DEPARTMENT OF COMMERCE AND LABOR.

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BULLETIN

OF THE

BUREAU OF LABOR.

No. 73. WASHINGTON. NOVEMBER, 1907.

LAWS RELATING TO THE EMPLOYMENT OF WOMEN AND CHILDREN.

At its last session the Fifty-ninth Congress provided for an investigation of the subject of woman and child labor, and this investigation is being conducted by the Bureau of Labor. The collection of laws here presented has been prepared for the information and assistance of the experts and special agents engaged on that work, and is intended to include all legislation on the subject in existence at the close of the regular sessions of those legislative bodies that met in the year 1907.

In a few instances laws apparently superseded by later enactments have been omitted, even though they appeared in the volumes consulted in preparing this compilation.

Decisions by the higher State courts as to the construction and application of the laws here presented are not numerous, partly because of the comparatively recent date of their enactment, and partly, perhaps, on account of the methods of enforcement that are prescribed in many instances. The constitutionality of statutes regulating child labor is generally admitted, though with reference to those affecting the employment of adult females there has been greater diversity of opinion. Such opinions of the higher courts as have come to the knowledge of this office have been examined, and brief statements of the points determined are appended to the acts or sections which were the subjects of judicial consideration.

ALABAMA.

CODE OF 1897.

CIVIL CODE.

Earnings of married women.

Earnings separate property.

SECTION 2521. The earnings of the wife are her separate property; * * *

Employment of women and children in mines.

Employment prohibited.

SECTION 2933. No woman, nor any boy under the age of twelve years, shall be employed to work or labor in or about any mine in this State.

Seats for female employees.

Seats to be provided.

SECTION 5512. Any person, owning or controlling a store or shop in which any female is employed as a clerk or saleswoman, who fails to provide such female with proper accommodations for sitting and resting when not actively engaged in the work of her employment, or who fails to permit her to do so when not so engaged, must, on conviction, be fined not less than ten dollars.

ACTS OF 1903.

ACT NO. 57.—*Employment of children.*

(Page 68.)

Age limit.

SECTION 1. No child under the age of twelve (12) years shall be employed in or about any factory or manufacturing establishment within this State unless a widowed mother or aged or disabled father is dependent upon the labor of such child, or in case a child is an orphan and has no other means of support. No child under the age of ten (10) years shall be so employed under any circumstances.

Certificate.

SEC. 2. It shall be unlawful for any factory or manufacturing establishment to hire or to employ any child unless there is first provided and placed on file in the office of such employer an affidavit signed by the parent or guardian or person standing [in] parental relation thereto, certifying the age and date of birth of said child; any person knowingly furnishing a false certificate of the age of such child shall be deemed guilty of a misdemeanor, and shall be brought before some justice of the peace or other court or officer having jurisdiction for trial, and upon conviction shall be punished by a fine of not less than five nor more than one hundred dollars, or be sentenced to hard labor for a term not exceeding three months.

Night work.

SEC. 3. No child under the age of thirteen (13) years shall be employed at labor or detained in any factory or manufacturing establishment in this State between the hours of 7 p. m. and 6 a. m. standard time, and no child under the age of sixteen (16) years shall be so employed or detained between said hours for more than

Hours of labor.

forty-eight hours in any one week; and no child under the age of twelve shall be employed or detained in any factory or manufacturing establishment for more than sixty-six (66) hours in any one week.

Penalty.

SEC. 4. Any person, persons or corporation or representative of such corporation who violates any of the provisions of this act, or who willfully or knowingly suffers or permits any child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not more than ($200) two hundred dollars.

ACTS OF 1907.

Act No. 341.—*Hiring out children to support parents in idleness.*

Who are vagrants.

Section 1. * * * (1) or any person who has no property sufficient for his support, and who is able to work and does not work, but hires out his children or allows them to hire out: * * * Is hereby declared to be a vagrant, and must on conviction be fined not more than five hundred dollars ($500.00), and may also be sentenced to hard labor for the county for not more than 12 months: *Provided, however*, That in no presocution [prosecution] under this act shall the burden of proof rest upon the State to establish the fact that the defendant has no property sufficient for his support, nor means of a fair, honest and reputable livelihood, but whenever it shall be established by the proof in any prosecution under this act that the defendant * * * is able and does not work, but hires out his minor children or allows them to hire out, then, or in either of such events, a prima facie case of guilt is hereby declared to be established * * *, and the burden of proof shall be upon the defendant to show that he has sufficient property from which to obtain a support, or sufficient means of maintaining a fair, honest and reputable livelihood: * * * *Provided, however*, That in all prosecutions under this act where the burden of proof is placed upon the defendant, if the evidence introduced by the defendant is sufficient when considered with all of the evidence in the case to raise a reasonable doubt as to his guilt he shall be entitled to an acquittal: *And provided further*, That the provisions of this act shall not apply to persons who are idle under strike orders or lockouts.

Proof.

Act No. 776.—*Employment of children in factories.*

Age limit.

Section 1. No child under twelve years of age, shall be employed or permitted to work in or be in or about any mill, factory, or manufacturing establishment in this State, and this provision shall be in force and effect from and after January 1, 1908. One year after the provisions of this section as above set forth go into force and effect, no child between the ages of twelve and sixteen years shall be employed or be permitted to work or [be] detained in or about any mill, factory, or manufacturing establishment in this State unless such child shall attend school for eight weeks in every year of employment, six weeks of which shall be consecutive.

School attendance.

Hours of labor.

Sec. 2. No child under the age of fourteen years shall be so employed or detained in or be in or about any mill, factory, or manufacturing establishment within this State for more than sixty hours in any one week, the provisions of this section shall be in force and effect from and after January 1, 1908.

Night work.

Sec. 3. No child under sixteen years of age shall be employed or detained in, or be in or about any mill, factory, or manufacturing establishment within this State, between the hours of seven o'clock p. m., and six o'clock a. m. standard time, and no child over sixteen and under eighteen years of age shall be so employed or detained between said hours for more than eight hours in any one night, the provisions of this section shall be in force and effect from and after January 1, 1908.

Certificates.

Sec. 4. It shall be unlawful for any person, firm or corporation to employ, or detain in or permit to work in, or be in or about any mill, factory, or manufacturing establishment any child under eighteen years of age, without first requiring said child to present on a blank furnished by the employer, the form of which shall be provided by the inspector, the affidavit of the parent or guardian or other person standing in parental relation to such child, stating the date and place of birth of said child. Said affidavit shall be filed by such employers within ten days after the employment of such child, in the office of the judge of probate of said county, and shall be numbered and labeled with the name of the child, and a complete index thereof made and preserved as other records in said office. For the services so rendered the judge of probate shall receive from the county treasury ten cents for each such affidavit. A copy of said affidavit shall be forwarded, within ten days after the employment of such child, to the inspector, Montgomery, Alabama.

Penalty. SEC. 5. Any person, firm or corporation who violates any of the provisions of this act, or who knowingly permits any child to be employed or detained in, or be in or about his, their or its mills, factory or manufacturing establishments, contrary to the provisions of this act, shall be deemed guilty of a misdemeanor and on conviction shall be punished by fine of not less than fifty dollars nor more than one hundred dollars, for each offense.

Same subject. SEC. 6. Any person, firm or corporation, who violates any provisions of this article, or who employs any child, or knowing permits any child to be employed, or to work in or about, or be detained in or be about any mill, factory or manufacturing establishment contrary to law, or who fails or refuses to obey promptly every lawful order or direction given by the inspector under this law, must on conviction be fined not less than fifty dollars nor more than one hundred lollars [dollars], and upon a second conviction, for any violation of this law, must be fined not less than one hundred nor more than five hundred dollars, and if a natural person be sentenced to hard labor for not more than six months, and any person, who knowingly makes any false affidavit, when an affidavit is required hereby is guilty of perjury.

Inspection. SEC. 7. The inspector of jails and almshouses is charged with the duty of inspecting all mills, factories and manufacturing establishments wherein women and children work, and he must inspect every such mill, factory or manufacturing establishment at least four times a year if practicable, without notice of his purpose to do so. He shall thoroughly inspect such manufacturing establishments, and ascertain their sanitary condition, and whether a good supply of fresh drinking water and fresh air and suitable water-closets for the women and girls are provided, separate and apart from those for the use of boys and men and particularly the ages and conditions of the children employed, at work in, or detained herein; and shall carefully examine all affidavits filed in the probate office under this law and in connection therewith, the children named therein and all other matters concerning the operation and condition of the manufacturing establishments in which children work or are detained, or make written orders requiring correction of any defects in or about the mill, or manufacturing establishment, and make written report to the governor of every examination of every manufacturing establishment inspected by him, and note every refusal or failure to comply with or observe the law, in any respect, which reports must be published annually.

Duty to remove children. SEC. 8. It shall be the duty of the inspector to remove from any mill, factory or manufacturing establishment, any child found working or detained therein contrary to law, and to remove therefrom any child who is afflicted with any infections [sic], contagious or communicable disease. The judgment of the inspector as to the removal of any child shall be final and conclusive.

Enforcement. SEC. 9. It shall be the duty of the inspector to institute prosecutions against the owners, operators, managers and superintendents of any such mill, factory or manufacturing establishment, for every violation of law that they may discover, and to furnish to the solicitor of the circuit or county the names and addresses of all necessary witnesses.

Hindering inspector, etc. SEC. 10. The inspector shall have free access at any time, to any mill, factory or manufacturing establishment wherein women and children work, or are detained, and any person who refuses to allow the inspector to have free access to a manufacturing establishment and every part thereof, or who hinders or obstructs him in inspection, or makes any false or misleading statement to the inspector about the establishment, its operation or condition, or about any person working or detained therein or who fails to have a plainly printed copy of this law posted up in the office and in every room in which any person works in the mill, factory or manufacturing establishment, must on conviction be fined not less than one hundred nor more than five hundred dollars, and on subsequent conviction be fined not less than five hundred dollars and may be sentenced to hard labor for not more than one year.

Disobeying orders. SEC. 11. Any owner or manager of a mill, factory or manufacturing establishment who disobeys any order of the inspector, removing a

child from the mill, factory or manufacturing establishment; or who permits any child who has been removed by the inspector to return to work therein, or to be in or about the mill, factory or manufacturing establishment without the written permission of the inspector must on conviction be fined not less than fifty dollars, nor more than one hundred dollars.

Clerk.

SEC. 12. The inspector of jails and almshouses is authorized to employ a competent clerk with the approval of the governor who shall be authorized to perform the same duties as by law the inspector is authorized to perform and shall have and exercise the same powers under the direction of the inspector as the inspector has by law. The annual salary of the clerk of the inspector shall be eighteen hundred dollars, payable monthly out of the State treasury as clerks of the other departments are paid, and appropriation therefor is hereby made for the payment thereof.

Application law.

SEC. 13. This act shall apply only to manufacturing establishments engaged in manufacturing or working in cotton, wool, clothing, tobacco, printing and binding, glass or any other kind of work that is injurious to health when carried on in doors.

ARIZONA.

REVISED STATUTES OF 1901.

Employment of children—School attendance.

Employment during school hours.

PARAGRAPH 2231 (as amended by chapter 67, Acts of 1907). No child under the age of fourteen years shall be employed by any person, persons, company or corporation during the school hours of any school day of the school term of the public school in the school district where such child resides, unless such child has been excused from attendance on instruction, as provided in this section. Every such employer shall require proof that such child has been excused from such attendance, and shall keep a record of such proof, which shall be open to the inspection of any peace officer or school trustee of the district. Any employer employing any child contrary to the provisions of this section shall be deemed guilty of a misdemeanor, and liable to a fine of not less than twenty-five ($25.00) dollars, nor more than one hundred ($100.00) dollars, to be placed to the credit of the school fund of the district. Every parent, guardian, or other person in the Territory of Arizona, having control of any child between the ages of eight and fourteen years (or of any child of the age of fourteen and under the age of sixteen, who is unable to read and write in the English language), shall be required to send such child to a public school or private school taught by a competent instructor for a period of six schools [sic] months of which twenty school weeks shall be consecutive, in each school year, said child to begin attendance on school within two weeks after the opening of school for the admission of pupils: *Provided*, That such parent, guardian or other person having control of such child shall be excused from such duty by the board of trustees of the district whenever it shall be shown to its satisfaction that one of the following reasons exist [sic] therefor:

Age of attendance.

Proviso.

1. That such child is taught at home by a competent instructor in the branches taught in the primary and grammar schools of the Territory.

2. That such child has already completed the grammar school course prescribed by the Territorial board of education.

3. That such child is in such physical or mental condition (as declared by a competent physician, if required by the board) to render such attendance inexpedient or impracticable.

4. That circumstances rendering attendance impracticable or dangerous to health, owing to unusual storm, or other sufficient cause, shall work an exemption from the penalties of this act.

ACTS OF 1907.

CHAPTER 13.—*Employment of women and minors in saloons.*

Employment prohibited.

SECTION 1. It shall be unlawful for the owner of any saloon within the Territory of Arizona to permit any woman or minor, either for

hire or otherwise, to sing, to recite, to dance, to play on any musical instrument, to give any theatrical or other exhibition, to drink, serve drinks or any other form of refreshment or viands, or to solicit for the purchase of [or] sale thereof; to engage in, or to take part in, any game of chance or amusement, or to loiter in any saloon or in any room or apartment, except the lobby of a legitimate hotel, opening from or into any saloon within the Territory of Arizona.

Penalty. SEC. 2. Any person who shall violate any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail for not less than thirty days or more than one hundred and eighty days, or by both such fine and imprisonment in the discretion of the court.

ARKANSAS.

DIGEST OF 1904.

Earnings of married women.

Earnings separate property. SECTION 5214. The property, both real and personal, which any married woman * * * has acquired by her trade, business, labor or services carried on or performed on her sole or separate account * * * and the rents, issues and proceeds of all such property shall, notwithstanding her marriage, be and remain her sole and separate property, and may be used, collected and invested by her, in her own name, and shall not be subject to the interference or control of her husband or liable for his debts, except such debts as may have been contracted for the support of herself or her children by her as his agent.

Employment of women and children in mines.

Employment prohibited. SECTION 5343. No person under the age of fourteen years, or female of any age, shall be permitted to enter any mine to work therein; nor shall any boy under the age of sixteen years, unless he can read and write, be allowed to work in any mine, and no owner, agent or operator of any mine operated by a shaft or slope shall place in charge on any engine whereby men are lowered into or hoisted out of the mines, any but an experienced, competent and sober person, not under eighteen years of age. * * *

ACTS OF 1907.

ACT No. 456.—*Employment of children—General provisions.*

Age limit: 12 years. SECTION 1. From and after the passage of this act no child under twelve years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State under any circumstances: *Provided*, That this act shall not apply to industries engaged in the preservation of fruits or vegetables during the school vacation period.

Fourteen years. SEC. 2. On and after September 1, 1907, no child under fourteen years of age shall be so employed, or allowed to labor unless such child be an orphan and has no other means of support, or unless a widowed mother or an aged or disabled father is dependent upon the labor of such child in which event, before putting such child at such labor, such father shall produce and file in the office of such factory or manufacturing establishment, a certificate from the county clerk of the county in which said factory or manufacturing establishment is located, certifying under his seal of office to the facts required to be shown as herein prescribed:

Provided, That no county clerk shall issue any such certificate except upon strict proof in writing and under oath, clearly showing the necessary facts: *And provided further*, That no such certificate shall be granted for longer than one year, nor accepted by any employer after one year from the date of such certificate.

Hours of labor, night work. SEC. 3. On and after September 1, 1907, no child under fourteen years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State between the hours of seven p. m. and six a. m., nor for more than sixty (60) hours in any one week, nor more than ten (10) hours in any one day.

SEC. 4. On and after September 1, 1907, no child except as heretofore provided, under fourteen years of age, shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State, unless he or she can write his or her name and simple sentences and shall have attended school for twelve weeks of the preceding year, six of which school attendance shall be consecutive; and no such child as aforesaid between the ages of fourteen and eighteen years shall be so employed unless such child shall have attended school for twelve weeks of the preceding year, six weeks of which school attendance shall be consecutive; and at the end of each year, until such child shall have passed the public school age, an affidavit certifying to such attendance, as is required by this section, shall be furnished to the employer by the parent or guardian or person sustaining parental relations to such child. School attendance.

The provisions of this section shall apply only to children entering such employment at the age of fourteen or less.

SEC. 5. It shall be unlawful for any owner, superintendent, agent or any other person acting for or in behalf of any factory or manufacturing establishment to hire or employ any child unless there is first provided and placed on file in the office of such employer an affidavit signed by the parent or guardian or person standing in parental relation thereto, certifying to the age and date of birth of such child, and other facts required in this act. Certificates.

Any person knowingly furnishing a false affidavit as to the age or as to any other facts required in this act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not exceeding one hundred dollars.

SEC. 6. The affidavits and certificates required in this act shall be open to inspection by the grand juries or the citizens of any county where such factory or manufacturing establishments are located. List to be open.

SEC. 7. Any person or agent, or representative of any firm or corporation, who shall violate any provision of this act shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not exceeding one hundred dollars. Any parent, guardian or other person standing in parental relation to a child who shall hire or place for employment or labor in or about any factory or manufacturing establishment within this State a child in violation of any provision of this act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine of not exceeding one hundred dollars. Violations.

SEC. 8. Each day during which this act is violated, where the violation is continuous, shall constitute a separate offense. Separate offenses.

CALIFORNIA.

CONSTITUTION.

ARTICLE 20.—*Sex no disqualification for employment.*

SECTION 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession. Sex not a bar.

DEERING'S CODES AND STATUTES—1885.

VOL. II.—CIVIL CODE.

Earnings of minors.

SECTION 212. The wages of a minor employed in service may be paid to him until the parent or guardian entitled thereto gives the employer notice that he claims such wages. Wages paid minor, when.

VOL. IV.—PENAL CODE.

Certain employments of children forbidden.

SECTION 272 (as amended by chapter 158, Acts of 1901, and chapter 568, Acts of 1905). Any person, whether as parent, relative, guardian, employer, or otherwise, having the care, custody, or control of any child under the age of sixteen years, who exhibits, uses, or employs, or in any manner, or under an pretense, sells, apprentices, gives away, lets out, or disposes of any such child to any person, under any Mendicant, acrobatic, etc., occupations.

name, title, or pretense, for or in any business, exhibition, or vocation, injurious to the health or dangerous to the life or limb of such child, or in or for the vocation, occupation, service, or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging, or peddling, or as a gymnast, acrobat, contortionist, or rider, in any place whatsoever, or for or in any obscene, indecent or immoral purposes, exhibition, or practice whatsoever, or for or in any mendicant or wandering business whatsoever, or who causes, procures, or encourages such child to engage therein is guilty of a misdemeanor, and punishable by a fine of not less than fifty nor more than two hundred and fifty dollars, or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Nothing in this section contained applies to or affects the employment or use of any such child, as a singer or musician in any church, school, or academy, or the teaching or learning of the science or practice of music; or the employment of any child as a musician at any concert or other musical entertainment, on the written consent of the mayor of the city or president of the board of trustees of the city or town where such concert or entertainment takes place.

This section is constitutional. 86 Pac. Rep. 809.

Hiring, etc.

SEC. 273 (added by chapter 158, Acts of 1901, and chapter 568, Acts of 1905). Every person who takes, receives, hires, employs, uses, exhibits, or has in custody, any child under the age, and for any of the purposes mentioned in the preceding section, is guilty of a like offense, and punishable by a like punishment as therein provided.

Sending a's messengers.

SEC. 273e (added by chapter 158, Acts of 1901, and chapter 568, Acts of 1905). Every telephone, special-delivery company or association, and every other corporation or person engaged in the delivery of packages, letters, notes, messages, or other matter, and every manager, superintendent, or other agent of such person, corporation, or association, who sends any minor in the employ or under the control of any such person, corporation, association, or agent, to the keeper of any house of prostitution, variety theater, or other place of questionable repute, or to any person connected with, or any inmate of, such house, theater, or other place, or who permits such minor to enter such house, theater, or other place, is guilty of a misdemeanor.

Same subject.

SEC. 273f (added by chapter 294, Acts of 1907). Any person whether as parent, guardian, employer, or otherwise, and any firm or corporation, who as employer or otherwise, shall send, direct, or cause to be sent or directed to any saloon, gambling house, house of prostitution, or other immoral place, any minor under the age of eighteen years, is guilty of a misdemeanor.

SUPPLEMENT OF 1889.

Seats for female employees.

(Page 554. Act of February 6, 1889.)

Seats to be provided.

SECTION 5 (as amended by chapter 12, Acts of 1903). Every person, firm, or corporation employing females in any manufacturing, mechanical, or mercantile establishment shall provide suitable seats for the use of the females so employed, and shall provide such seats to the number of at least one-third the number of females so employed; and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Penalty.

SEC. 6. Any person or corporation violating any of the provisions of this act shall be punished by a fine of not less than fifty nor more than one hundred dollars for each offense.

Enforcement.

SEC. 7. It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act.

ACTS OF 1905.

CHAPTER 18.—*Employment of children.*

Hours of labor.

SECTION 1. No minor under the age of eighteen shall be employed in laboring in any manufacturing, mechanical, or mercantile establishment, or other place of labor, more than nine hours in one day, except

when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-four hours in a week.

Night work.

SEC. 2 (as amended by chapter 524, Acts of 1907). No minor under the age of sixteen years shall be employed or permitted to work in any mercantile institution, office, laundry, manufacturing establishment, or workshop between the hours of ten o'clock in the evening and six o'clock in the morning.

Age limit.

No child under fourteen years of age shall be employed in any mercantile institution, office, laundry, manufacturing establishment, workshop, place of amusement, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages.

Proviso.

Provided, That the judge of the juvenile court of the county, or city and county, or in any county or city and county in which there is no juvenile court, then any judge of the superior court of the county or city and county in which such child resides, shall have authority to

Permits.

issue a permit to work to any child over the age of twelve years, upon a sworn statement being made to him by the parent of such child that such child is past the age of twelve years, that the parents or parent of such child are incapacited for labor, through illness, and after investigation by a probation officer or truant officer of the city, or city and county, in which such child resides, or in cities and counties where there are no probation or truant officers, then by such other competent persons as the judge may designate for this purpose. The permit so issued shall specify the kind of labor and the time for which it is issued, and shall in no case be issued for a longer period than shall seem necessary to the judge issuing such permit. Such permit shall be kept on file by the person, firm or corporation employing the child therein designated, during the term of said employment, and shall be given up to said child upon his quitting such employment. Such certificate shall be always open to the inspection of the truant and probation officers of the city and county, city or county, in which the place of employment is situated or of the officers of the State bureau of labor statistics:

Attendance officer may investigate.

And provided, That the attendance officer of any county, city and county, or school district in which any place of employment, in this section named, is situated, shall have the right and authority at all times to enter into any such place of employment for the purpose of investigating violations of the provisions of this act, * * * *Provided however*, That if such attendance officer is denied entrance to such place of employment, any magistrate may, upon the filing of an affidavit by such attendance officer setting forth the fact that he has good cause to believe that the provisions of this act, * * * are being violated in such place of employment, issue an order directing such attendance officer to enter said place of employment for the purpose of making such investigations;

Vacation permits.

And provided, That any such child, over the age of twelve years, may be employed at any of the occupations mentioned in this act during the regular vacation of the public schools of the city, county, or city and county in which the place of employment is situated, upon the production of a permit signed by the principal of the school which such child has attended during the term next preceding any such vacation. Such permit shall contain the name and age of the child to whom it is issued, and the date of the termination of the vacation for which it is issued, and shall be kept on file by the employer during the period of employment, and at the termination of such employment shall be returned to the child to whom it was issued.

Illiterates.

No minor who is under sixteen years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the city, town or school district in which his place of employment is situated are in session, unless he or she can read English at sight and can write legibly and correctly simple English sentences, or unless he or she is a regular attendant for the then current term at a regularly conducted night school. A certificate of the principal of such school shall be held to be sufficient evidence of such attendance.

List to be posted.

SEC. 3. Every person, firm, or corporation employing minors under eighteen years of age, in any manufacturing establishment, shall post, and keep posted, in a conspicuous place in every room where such help is employed, a written or printed notice stating the number of hours per day for each day of the week required of such persons.

Every person, firm, corporation, agent or officer of a firm or corporation employing or permitting minors under sixteen years and over fourteen years of age to work in any mercantile institution, office, laundry, manufacturing establishment, workshop, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, shall keep a record of the names, ages, and places of residence of such minors, and shall have on file a certificate of age and schooling, as provided in this act, for every such minor so employed, said record and certificate to be open at all times to the inspection of those whose duty it is to enforce the provisions of the act.

Age and schooling certificates.

An age and schooling certificate shall be approved only by the superintendent of schools of the city or city and county, or by a person authorized by him, in writing, or where there is no city or city and county superintendent of schools, by a person authorized by the local school trustees: *Provided*, That the superintendent or principal of any school of recognized standing shall have the right to approve an age and schooling certificate, and shall have the same rights and powers as the superintendent of public schools to issue the certificate herein provided, for children attending such schools. The persons authorized to issue age and schooling certificates shall have the authority to administer the oaths necessary for carrying out the provisions of this act, but no fee shall be charged for issuing such certificates.

An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism of such child, the public register of birth of such child, or in some other manner, that such child is of the age stated in the certificate.

A duplicate copy of each age and schooling certificate granted under the provisions of this act shall be kept by the person issuing such certificate, such copy to be filed with the county superintendent of schools in the county where the certificate was issued: *Provided*, That all such copies of certificates issued between June 25th and December 25th of any year shall be filed not later than December 31st of such year, and those issued between December 25th and June 25th of the ensuing year shall be filed not later than June 30th of each year. Such certificates shall be substantially in the following form, to wit:

AGE AND SCHOOLING CERTIFICATE.

This certifies that I am the (father, mother, or guardian) of (name of child), and that (he or she) was born at (name of town or city), in the county of (name of county, if known) and State (or country) of (name), on the (day and year of birth), and is now (number of years and of months) old.

(Signature as provided in this act.)

(Town or city, and date.)

There personally appeared before me the above-named (name of person signing) and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief.

I hereby approve the foregoing certificate of (name of child), height (feet and inches), complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified, and I hereby certify that (he or she) can or can not read English at sight, and can or can not write legibly simple sentences in the English language.

(Signature of the person authorized to sign, with his official character and authority.)

(Town or city, and date.)

This certificate belongs to (the person in whose behalf it is drawn), and it shall be surrendered to (him or her) whenever (he or she) leaves the services of the person, firm, or corporation holding the same.

The certificate as to the birthplace and age of the minor under sixteen and over fourteen years of age shall be signed by his father, his mother, his guardian; if a child has no father, mother, or guardian living in the same city or town, his own signature to the certificate may be accepted by the person authorized to approve the same.

Every person authorized to sign the certificate prescribed by this act, who knowingly certifies to any false statement therein, is guilty of a misdemeanor and upon conviction thereof shall be fined not less than five nor more than fifty dollars, or imprisoned not more than thirty days, or by both such fine and imprisonment.

Penalty.

SEC. 4. Any person, firm, corporation, agent, or officer of a firm or corporation that violates or omits to comply with any of the foregoing provisions of this act, or that employs, or suffers, or permits any minor to be employed in violation thereof, is guilty of a misdemeanor and shall, on conviction thereof be punished by a fine of not less than fifty dollars or more than two hundred dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment, for each and every offense. A failure to produce any age and schooling certificate or permit, or to post any notice required by this act, shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate or permit is not produced, or whose name is not so posted. Any fine collected under the provisions of this act shall be paid into the school funds of the county, or city and county, in which the offense occurred.

Agricultural, etc., labor.

SEC. 5 (as amended by chapter 322, Acts of 1907). Nothing in this act shall be construed to prohibit the employment of minors at agricultural, horticultural, viticultural or domestic labor, during the time the public schools are not in session, or during other than school hours. For the purpose of this act, horticulture shall be understood to include the curing and drying, but not the canning, of all varieties of fruit.

Enforcement.

SEC. 6. It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act. But any person may lay an information before a magistrate of the commission of any public offense defined in this act.

This act is constitutional. 86 Pac. Rep. 896.

COLORADO.

CONSTITUTION.

ARTICLE 16.—*Employment of children in mines.*

Age limit.

SECTION 2. The general assembly * * * shall prohibit the employment in the mines of children under twelve years of age.

[See section 2801h2, below.]

MILLS' ANNOTATED STATUTES OF 1891 AND SUPPLEMENT OF 1904.

Certain employments of children forbidden.

Immoral, etc., occupations.

SECTION 409. It shall be unlawful for any person having the care, custody or control of any child under the age of fourteen years, to exhibit, use or employ as an actor or performer in any concert hall or room where intoxicating liquors are sold or given away, or in any variety theater, or for any illegal, obscene, indecent or immoral purpose, exhibition or practice whatsoever, or for or in any business, exhibition or vocation injurious to the health or dangerous to the life or limb of such child, or cause, procure or encourage such child to engage therein. Nothing in this section contained shall apply to or affect the employment or use of any such child as a singer or musician in any church, school or academy, or at any respectable entertainment, or the teaching or learning the science or practice of music.

Employing children.

SEC. 410. It shall also be unlawful for any person to take, receive, hire, employ, use, exhibit or have in custody any child under the age and for the purpose prohibited in the first section of this act.

Penalty.

SEC. 412. Any person who shall be convicted of violating any of the provisions of the preceding sections of this act, shall be fined not

exceeding one hundred dollars, or be imprisoned in the county jail not exceeding three months, or both, in the discretion of the court; and upon conviction for a second or any subsequent offense, shall be fined not exceeding two hundred dollars, or be imprisoned in the county jail not exceeding six months.

Employment of children while school is in session.

Employment during school hours.

SECTION 417. It shall be unlawful for any person, persons or corporation to employ any child under the age of fourteen to labor in any business whatever during the school hours of any school day of the school term of the public school in the school district where such child is, unless such child shall have attended some public or private day school where instruction was given by a teacher qualified to instruct in those branches required to be taught in the public school of the State of Colorado, or shall have been regularly instructed at home in such branches, by some person qualified to instruct in the same, at least twelve weeks in each year, eight weeks at least of which shall be consecutive, and shall, at the time of such employment, deliver to the employer a certificate in writing, signed by the teacher, certifying to such attendance or instruction; and any person, persons, or corporation who shall employ any child contrary to the provisions of this section shall, upon conviction, be deemed guilty of a misdemeanor, and fined in a sum not less than twenty-five (25) dollars nor more than fifty (50) dollars, and all fines so collected shall be paid into the county treasury, and placed to the credit of the school district in which the offense occurs.

Enforcement.

SEC. 420. It shall be the duty of any school director of the district to inquire into all cases of neglect of the duty prescribed in this act, and ascertain from the person neglecting, the reason, if any, therefor; and he shall forthwith proceed to secure the prosecution of any offense occuring under this act; and any director neglecting to secure such prosecution for such offense, within ten days after a written notice has been served on him by any taxpayer in said district, unless the person so complained of shall be excused by the district board of education for the reasons hereinbefore stated, shall, upon conviction, be deemed guilty of a misdemeanor, and fined in a sum not less than ten nor more than fifty dollars; and such fine, when collected, shall be paid into the county treasury and placed to the credit of the school district in which the offense occurs. All actions for offenses committed under this act shall be prosecuted for in the name of the State of Colorado.

Night schools.

SEC. 422. Two weeks' attendance, at half time or night school, shall be considered within the meaning of the article equivalent to an attendance of one week at a day school.

Age of employment of telegraph operators on railroads.

Limit of 18 years.

SECTION 1396a. No railroad company operating a line or lines of railroad within this State shall hire or employ any person or persons as telegraph operators for the purpose of receiving or transmitting telegraph messages or train orders for the movement of trains, unless said person or persons are at least eighteen (18) years of age, and who have had not less than one year's experience as a telegraph operator.

Penalty.

SEC. 1396b. Any railroad company, its officers or agents, violating the provisions of this act, shall be guilty of a misdemeanor, and shall be fined not less than one hundred dollars ($100) nor more than one thousand dollars ($1,000) for each and every offense.

Hours of labor of women and children—Age limit.

Hours of labor of children.

SECTION 2801e2. It shall be unlawful for any person, agent, firm, company, copartnership, or corporation to require any child, either boy or girl, of sixteen years of age or less, to labor or work in any mill, factory, manufacturing establishment, shop or store, or in or about coal or other mines, or any other occupation not herein enumerated which may be deemed unhealthful or dangerous, for a greater number than eight hours in the twenty-four hour day, except in cases where life or property is in imminent danger, or in the week before and following Christmas day: *Provided*, That any child between the age of fourteen and sixteen years coming within the provisions of this act

may be exempted from the provisions thereof, if in the opinion of the judge of the county court of the county in which said child resides it would be for its best interests to be so exempted. Application may be made in writing to any county judge by any such child, its parent or guardian, to be granted such exemption, when it shall be the duty of such judge to hear the same and inquire particularly into the nature of the employment sought. No fees shall be charged or collected in any such case.

Unhealthful occupations.

SEC. 2801f2. All paper mills, cotton mills and factories where wearing apparel for men and women is made, ore reduction mills or smelters, factories, shops of all kinds and stores may be held to be unhealthful and dangerous occupations within the meaning of this act at the discretion of the court.

Hours of labor of women.

SEC. 2801g2. No woman of sixteen years of age or more shall be required to work or labor for a greater number than eight hours in the twenty-four hour day, in any mill, factory, manufacturing establishment, shop, or store for any person, agent, firm, company, copartnership or corporation, where such labor, work or occupation, by its nature, requires the woman to stand or be upon her feet, in order to satisfactorily perform her labors, work or duty in such occupation and employment.

Age limit in mines, factories, etc.

SEC. 2801h2. Any person who shall take, receive, hire or employ any child under the age of fourteen years in any underground works or mine, or in any smelter, mill or factory, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty dollars, nor more than five hundred dollars, and shall be imprisoned in the county jail not less than thirty days, nor more than three months.

The phrase, "any person," applies to corporations as well as to individuals, and corporations are liable for the unlawful employment of a child even though the employing official had been instructed not to employ any one under the prohibited age. 75 Pac. Rep. 924.

Penalty.

SEC. 2801i2. Any person, agent, firm, company, copartnership or corporation which shall violate any of the provisions of this act or shall require a greater number of hours of work or labor than herein specified of any child, either boy or girl, of sixteen years of age or less, in any employment or occupation herein enumerated, or any other which shall be deemed by the courts as unhealthful, shall be deemed guilty of a misdemeanor, and shall be fined in a sum of not less than one hundred dollars ($100) or more than five hundred dollars ($500), or be imprisoned in the county jail for not less than two, or more than four months, or by both such fine and imprisonment, in the discretion of the court, for each offense.

Enforcement.

SEC. 2801j2. All district attorneys shall be required to make prosecutions for all violations of this act, upon the sworn complaint of any reputable citizen that this act is being violated by any person, firm, company, copartnership or corporation.

Earnings of married women.

Earnings separate property.

SECTION 3012. Any married woman may * * * perform any labor or services, on her sole and separate account, and the earnings of any married woman, from her * * * labor or services, shall be her sole and separate property, and may be used and invested by her in her own name; and she may sue and be sued as if sole, in regard to her * * * labor, services and earnings, and her property acquired by * * * services, and the proceeds thereof, may be taken on any execution against her.

Employment of women and children in mines.

Employment prohibited.

SECTION 3185. * * * No * * * woman or girl of any age, shall be permitted to enter any coal mine to work therein, nor any person under the age of sixteen years, unless he can read and write.

Seats for female employees.

Seats to be provided.

SECTION 3604. Every person, corporation or company employing females in any manufacturing, mechanical or mercantile establishments in this State, shall provide suitable seats for the use of the

females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Penalty. SEC. 3605. Any person, corporation or company violating any of the provisions of this act, shall be punished by fine of not less than ten dollars nor more than thirty dollars for each offense.

Employment of children during school term.

School attendance. SECTION 4047a. In all school districts of this State, all parents, guardians and other persons having care of children shall instruct them, or cause them to be instructed, in reading, writing, spelling, English grammar, geography and arithmetic. In such districts, every parent, guardian or other person having charge of any child between the ages of eight (8) and sixteen (16) years, shall send such child to a public, private or parochial school for the entire school year during which the public schools are in session in such districts: *Provided, however*, That this act shall not apply to children over fourteen (14) years of age where such child shall have completed the eighth grade, or may be eligible to enter any high school in such district, or where its help is necessary for its own or its parents' support, or where for good cause shown it would be for the best interests of such child to be relieved from the provisions of this act: *Provided, further*, That if such child is being sufficiently instructed at home by a person qualified, such child shall not be subject to the provisions of this act: *And provided, further*, That if a reputable physician within the district shall certify in writing that the child's bodily or mental condition does not permit its attendance at school, such child shall be exempt during such period of disability from the requirements of this act. It shall be the duty of the superintendent of the school district, if there be such superintendent, and, if not, then the county superintendent of schools, to hear and determine all applications of children desiring for any of the causes mentioned herein to be exempted from the provisions of this act, and if upon such application such superintendent hearing the same shall be of the opinion that such child is for any reason entitled to be exempted as aforesaid, then such superintendent shall issue a written permit to such child, stating therein his reasons for such exemption. An appeal may be taken from the decision of such superintendent so passing upon such application to the county court of the county in which such district lies, upon such child making such application and filing the same with the clerk or judge of said court within ten days after its refusal by such superintendent, for which no fee to exceed the sum of one dollar shall be charged, and the decision of the county court shall be final. An application for release from the provisions of this act shall not be renewed oftener than once in three months.

Provisos.

Permits.

Employment during school term. SEC. 4047b. No child under the age of 14 years shall be employed by any person, persons, company, or corporations during the school term and while the public schools are in session, unless the parent, guardian or person in charge of such child shall have fully complied with section one of this act. Every such employer shall require proof of such compliance, and shall make and keep a written record of the proof given, which shall be subject to the inspection of the truant officer, superintendent of schools, or any school director of the district. Any employer employing any child contrary to the provisions of this section, shall be fined not less than twenty-five nor more than one hundred dollars.

Illiterates. SEC. 4047c. All minors over the age of 14 years and under the age of 16 years who can not read and write the English language, shall attend school at least one-half day of each day, or attend a public night school, or take regular private instruction from some person qualified, in the opinion of the county superintendent of schools, in which such district or the greater portion of the same lies, until such minor obtains a certificate from such superintendent that he or she can read at sight and write legibly, simple sentences in English. Every employer employing or having in employment any such minor shall exact as a condition of employment the school attendance or instruction required by this section, and shall on request of the truant officer, furnish the

evidence that such minor is complying with the requirements of this section. Every employer failing to comply with the requirements of this section as to any minor employed by him or in his employ, shall be fined not less than twenty-five dollars, and not more than one hundred dollars: *Provided*, That any employer with the approval or consent of the county superintendent of schools may make provision for the private instruction of minors in his employ. Proviso.

CONNECTICUT.

GENERAL STATUTES OF 1902.

Certain employments of children forbidden.

SECTION 1163. Every person who shall exhibit, use, employ, apprentice, give away, let out, or otherwise dispose of any child under the age of twelve years, in or for the vocation, occupation, service, or purpose of rope or wire walking, dancing, skating, bicycling, or peddling, or as a gymnast, contortionist, rider, or acrobat, in any place whatever; or for or in any obscene, indecent, or immoral purpose, exhibition, or practice, whatsoever; or for or in any business, exhibition, or vocation, injurious to the health, or dangerous to the life or limb of such child; or who shall cause, procure, or encourage any such child to engage therein, shall be fined not more than two hundred and fifty dollars, or imprisonment not more than one year, or both. But nothing herein shall prevent the employment of any such child as a singer or musician, in any church or school, or in learning or teaching the science or practice of music. Acrobatic and immoral occupations.

Employment of children during school time—Illiterates.

SECTION 2119. Every person who shall employ a child under fourteen years of age during the hours while the school which such child should attend is in session, and every person who shall authorize or permit on premises under his control any such child to be so employed, shall be fined not more than twenty dollars for every week in which such child is so employed. Employment during school hours.

SEC. 2120. Every parent or other person, having control of a child, who shall make any false statement concerning the age of such child with intent to deceive the town clerk or registrar of births, marriages, and deaths of any town, or the teacher of any school, or shall instruct a child to make any such false statement, shall be fined not more than twenty dollars. False statements.

SEC. 2121. The school visitors or the town school committee in every town shall, once or more in every year, examine into the situation of the children employed in all manufacturing establishments, and ascertain whether all the provisions of this chapter are duly observed, and report all violations thereof to the prosecuting authority. Visitors.

SEC. 2147. No person over fourteen and under sixteen years of age, who can not read and write, shall be employed in any town where public evening schools are established unless he can produce every school month of twenty days a certificate from the teacher of an evening school showing that he has attended such school eighteen consecutive evenings in the current school month, and is a regular attendant. Every person who shall employ a child contrary to the provisions of this section shall be fined not more than fifty dollars, and the State board of education shall enforce the provisions of this section as provided in section 4707. Illiterates.

Employment of children on elevators.

SECTION 2614. No person, partnership, or corporation shall permit or employ a person under the age of sixteen years to have the care, custody, operation, or management of an elevator. Every person, partnership, or corporation violating any provision of this section shall forfeit not more than twenty-five dollars for each offense. Employment of children under 16.

Employment of minors in barrooms, etc.

Employment prohibited.

SECTION 2682. No person having a license under the provisions of this title shall employ any minor as bartender, porter, or in any other capacity, in any saloon where spirituous and intoxicating liquors are kept for sale, and upon such employment the county commissioners shall revoke the license of such person. * * *

Earnings of married women.

Earnings separate property.

SECTION 4545. * * * The separate earnings of the wife shall be her sole property. * * *

Employment of women and children—Age limit.

Seats for females.

SECTION 4703. Every person, partnership, or corporation, employing females in any mercantile, mechanical, or manufacturing establishment shall furnish and provide suitable seats for the use of all females so employed, and shall permit the use of such seats by said females when they are not necessarily engaged in the active duties for which they are employed. Every person, partnership, or corporation violating any provision of this section shall be fined not more than fifty dollars.

Age limit.

SEC. 4704. No child under fourteen years of age shall be employed in any mechanical, mercantile, or manufacturing establishment.

Certificates.

SEC. 4705 (as amended by chapter 115, Acts of 1905). Every person or corporation employing a child under sixteen years of age in any mechanical, mercantile, or manufacturing establishment shall obtain a certificate showing that the child is over fourteen years of age. Such certificate shall be signed by the registrar of births, marriages, and deaths or by the town clerk of the town where the child was born, or by a teacher of the school which the child last attended, or by the person having custody of the register of said school. If a child was not born in the United States, the State board of education may investigate and, if it appears that said child is over fourteen years of age, may grant a certificate accordingly, and this certificate may be accepted as evidence of age. The parent or guardian of any child shall state, under oath, to the secretary or agent of the State board of education, the date of birth of the child, and shall present any family record, passport, or other documentary evidence which said board may require, showing the age of the child. The said secretary or agents may administer the oath required by this section. Every employer or other person having control of any establishment or premises where children under sixteen years of age are employed, who shall neglect to have and keep on file the certificates described in this section, or to show the same, with a list of the names of such children so employed, to the secretary or an agent of the State board of education, or to an agent of the board of school visitors, town school committee, or board of education, as the case may be, of the town in which the establishment or premises are located, when demanded during the usual business hours, shall be fined not more than one hundred dollars.

Penalty

SEC. 4706. Every person acting for himself, or as agent of a mechanical, mercantile, or manufacturing establishment, who shall employ, authorize, or permit to be employed in such establishment any child, in violation of any provision of section 4704 or 4705, shall be fined not more than sixty dollars, and every week of such illegal employment shall be a distinct offense: *Provided*, That no person shall be punished under this section for the employment of any child, when at the time of such employment the employer shall obtain, and thereafter during such employment keep on file, the certificate provided for in section 4705.

Enforcement.

SEC. 4707. It shall be the duty of the State board of education, and the school visitors, boards of education, and town school committees to enforce sections 4704, 4705, and 4706; and for that purpose the State board of education may appoint agents, under its supervision and control, for terms of not more than one year, who shall be paid not to exceed five dollars a day for time actually employed and necessary

expenses, and whose accounts shall be approved by said board and audited by the comptroller. The agents so appointed may be directed by said board to enforce the provisions of the law requiring the attendance of children at school and to perform any duties necessary or proper for the due execution of the duties and powers of the board.

ACTS OF 1907.

CHAPTER 251.—*Hours of labor of women and children.*

SECTION 1. No minor under sixteen years of age, and no woman, shall be employed in laboring in any manufacturing, mechanical, or mercantile establishment more than ten hours in any day, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or where a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week. Every employer shall post in a conspicuous place in every room where such persons are employed a notice stating the number of hours of work required of them on each day of the week, and the employment of any such person for a longer time in any day than so stated shall be a violation of this section, unless it appears that such employment is to make up for time lost on some previous day of the same week in consequence of the stopping of machinery upon which such person was employed or dependent for employment, but in no case shall the hours of labor exceed fifty-eight in a week: *Provided*, That in case any employer shall, on or before the first day of January of any year, give notice to his employees, by notices posted as hereinbefore provided, that the hours of labor of minors under sixteen years of age and of women employed by him, as aforesaid, shall not exceed fifty-five in any week during the months of June, July, and August of the ensuing year, then said employer may employ such minors and women not to exceed sixty hours in any week during said year, except during said months of June, July, and August. Nothing in this act shall be construed as repealing any provision of section 2116 of the General Statutes or any amendments thereto.

Limit of 10 hours per day.

Fifty-eight hours per week.

SEC. 2. Every person who willfully employs, or has in his employment, or under his charge, any person in violation of this act, and every parent or guardian who permits any such minor to be so employed, shall be fined not more than twenty dollars for each offense. A certificate of the age of a minor, made as provided in section 4705 of the General Statutes and amendments thereof, shall be conclusive evidence of his age upon the trial of any person other than the parent or guardian for violation of any provision of this act.

Violations.

DELAWARE.

REVISED CODE OF 1852, EDITION OF 1893.

CHAPTER 76.—*Earnings of married women.*

(Page 600.)

SECTION 3. Any married woman may receive the wages of her personal labor not performed for family, maintain an action therefor in her own name, and hold them in her own right against her husband or any other person; * * *

Earnings separate property.

CHAPTER 127.—*Seats for female employees.*

(Page 932.)

SECTION 1. Every person or corporation employing female employees in any manufacturing, mechanical or mercantile establishments in this State shall provide suitable seats for the use of the female employees so employed, and shall permit the use of such by them when not necessarily engaged in the active duties for which they are employed.

Seats to be provided.

SEC. 2. Any person, firm or corporation violating any of the provisions of this act, shall be punished by a fine of not less than twenty-five dollars ($25) nor more than fifty dollars ($50) for each offense.

Penalty.

CHAPTER 131.—*Certain employments of children forbidden.*

(Page 954.)

Acrobatic, mendicant, etc., occupations.

SECTION 2. Any person having the care, custody, or control of any minor child under the age of fifteen years who shall in any manner sell, apprentice, give away, or otherwise dispose of such minor, or any person who shall take, receive, or employ such child for the vocation or occupation of rope or wire walking or dancing, or as an acrobat or gymnast, or any person who, having the care, custody, or control of any minor child whatsoever, and shall sell, apprentice, give away, or otherwise dispose of such minor, or who shall take, receive, or employ such minor for begging or any obscure [sic], indecent, or illegal exhibition or vocation, or any vocation injurious to the health or dangerous to the life or limb of such child engaged therein, or for the purpose of prostitution, or any person who shall retain, harbor, or employ any minor child in or about any assignation house or brothel, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace or court of record shall be fined not less than twenty dollars nor more than one hundred dollars for each and every offense.

ACTS OF 1897.

CHAPTER 452.—*Factories and workshops—Provisions for female employees—New Castle County.*

Dressing rooms, etc.

SECTION 1 (as amended by chapter 453, Acts of 1897). It shall be the duty of every person or corporation employing female labor to the number of ten or upwards in New Castle County to provide, within three months after the passage of this act, a room or rooms, plainly and appropriately furnished, for such female employees to dress, wash and lunch in, separate and apart from the male employees of such person or corporation, allowing in said separate room or rooms [sic]; *and further*, to provide washing sinks for such female employees, separate and apart from such male employees, allowing one such washing sink to each fifteen of such female employees employed by such person or corporation; *and further*, to provide water-closets for such female employees, separate from those used by such male employees: *Provided*, That nothing in this section shall apply to canning establishments doing business in the rural districts of said county.

Seats.

SEC. 2. It shall be the duty of every storekeeper in New Castle County to provide seats for his or her clerks and employees, so that when unemployed such clerks and employees may be seated.

Workrooms to be warm.

SEC. 3. It shall be the duty of every person or corporation employing female labor to provide such places for such female employees to work in during cold weather as shall be reasonably and comfortably warm.

Abusive, etc., language.

SEC. 4. It shall be unlawful for any employer of female labor, or any overseer, superintendent, foreman or boss of any such employer of female labor to use toward female employees any abusive, indecent or profane language, or to in any manner abuse, misuse, unnecessarily expose to hardship, or maltreat any such female employee.

Penalty.

SEC. 5. Any person violating any provision of section 4 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten and not exceeding one hundred dollars for each offense; any person or corporation violating any provision of the first, second and third sections of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined the sum of ten dollars, and shall be subject to the further penalty of ten dollars for each day thereafter during which such corporation or person shall refuse or neglect to provide the furnished rooms, seats, appliances or furnish the heat therein mentioned.

SEC. 7. The chief justice of the State of Delaware is hereby authorized and required within sixty days after the passage of this act to appoint a female inspector, whose duty it shall be to visit from time to time all stores, mills, factories and other places of business where female labor is employed and to duly enforce the provisions of this act. Whenever said inspector shall ascertain that the provisions of this act or any of them are being violated by any employer in New Castle County, it shall be the duty of said inspector to serve upon such violator of the provisions of this act written notice that unless such employer shall conform to the requirements of this act, and wholly cease any violation thereof within ten days from the services of such notice, such employer will be prosecuted under the provisions of this act. And it shall further be the duty of said inspector in case of the neglect or failure of such employer, who has received such notice, to conform to the provisions of this act, and to cease all violations thereof within ten days from the said service of said notice, to institute the prosecution of such recalcitrant employer or employers under the provisions of this act, by swearing out before any justice of the peace in New Castle County resident in the hundred where said employer may have his, her or its place of business, or in an adjacent hundred, the necessary warrant or complaint and thereupon to assist and enforce the prosecution of the person or corporation so complained of to the full extent of her power, and it shall further be the duty of such inspector in case any prosecutions under the provisions of this act shall be begun or instituted by any other person than such inspector, to aid, further and assist such independent prosecution of such employer to the best of her power, and whenever such independent prosecution of any such employer shall be begun by any person other than said inspector it shall be the duty of the justice of the peace before whom such complaint shall be made to straightway notify by due course of mail the inspector appointed under this act, informing such inspector of the name of the complainant and defendant, of the names of the witnesses indorsed upon said complaint and of the day, hour and place fixed for the hearing of said cause.

Female inspector.

SEC. 8. It shall be the duty of every employer of female labor in New Castle County, whether to the number of ten or upward or less, to permit said inspector to have full and free access at any time during the working noon hours of said employees to the place of business of such employer where such employees are employed, and in case any such employer shall refuse such inspector full and free access to his place of business as aforesaid, or shall in any way hinder or prevent the full performance of her duties of inspection under the provisions of this act, such employer shall be deemed guilty of a misdemeanor, and upon every conviction of such interference with said inspector in the performance of her duties, shall pay a fine to New Castle County of ten dollars, which fine shall be collected in the same manner as the other fines and penalties heretofore provided for in this act.

Access to workrooms.

SEC. 9. * * * The provisions of this act shall apply to and be enforced only in duly incorporated towns and cities in New Castle County.

Law applies, where.

ACTS OF 1905.

CHAPTER 123.—*Employment of children.*

SECTION 1. From and after the first day of July one thousand nine hundred and five, no child or minor under the age of fourteen years shall be employed in any factory, workshop or establishment where the manufacture of any goods whatever is carried on.

Age limit.

SEC. 2. From and after the first day of July one thousand nine hundred and five no child between the ages of fourteen and sixteen years shall be employed in any factory, workshop or establishment where the manufacture of any kind of goods whatever is carried on, unless such child shall have attended, within twelve

School attendance.

months immediately preceding such employment some public, day or night school, or some well recognized school; such attendance to be for five days or evenings every week during a period of at least twelve consecutive weeks which may be divided into two terms of six consecutive weeks, so far as the arrangement of school terms will permit, and unless such child, or his parents or guardians, shall have presented to the manufacturer or other employer seeking to employ such child a certificate giving the names of parents or guardian, the name and number of the school attended, and the number of weeks in attendance such certificate to be signed by the teacher or teachers of such child: *Provided*, That in case the age of the child be not known, such teacher shall certify that the age given is the true age, to the best of his or her knowledge or belief.

Hours of labor.

SEC. 3. No child or children under the age of sixteen years shall be employed in any factory, workshop or establishment where the manufacture of any kind of goods is carried on for a longer period than nine hours a day or fifty-four hours a week: *And further provided*, That every such child so employed shall be entitled to not less than thirty minutes for mealtime at noon, and every employer shall post in a conspicuous place, where such minor children are employed a printed notice, stating that the maximum work hours required in any one week shall not exceed fifty-four hours. The governor shall immediately after the passage of this bill, appoint by and with the advice and consent of the senate some suitable person, who shall be a resident and citizen of this State, who shall be designated and known by the official title of "Factory and workshop inspector," and who shall receive a salary of one thousand dollars per year, payable in equal quarterly installments of two hundred and fifty dollars, and who shall hold office for the term of two years; the said inspector shall be empowered to visit and inspect at all reasonable hours and as often as practicable all factories, workshop's [workshops] and other establishments in this State, where the manufacture or sale of any kind of goods is carried on, and it shall be the duty of the said inspector to enforce the provisions of this act and to prosecute all violations of the same as hereinafter provided, and he shall have the power to demand a certificate of physical fitness from some regularly licensed physician of the State or county in which such establishment is located in the case of a child under sixteen years of age, who may seem physically unable to perform the labor at which such child may be employed, and the said inspector shall have power to prohibit the employment of any such child under the age of sixteen years, who shall be unable to obtain such certificate.

Register.

SEC. 4. It shall be the duty of every person or corporation employing a child or children under the provisions of this act to keep a register, in which shall be recorded the name, age, day of birth and place of residence of every child under the age of sixteen years so employed by such person or corporation, and it shall be unlawful for any person or corporation to employ any minor under the age of sixteen years unless there is furnished to said person or corporation a sworn statement made by the parent or guardian of such minor, stating the name, date and place of birth of such minor.

Penalty.

SEC. 5. Every person, or the officer or officers of any corporation violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not less than fifty dollars nor more than one hundred dollars for each and every such offense.

Enforcement.

SEC. 6. It shall be the duty of such factory or workshop inspector appointed under the provisions of this act to inspect the sanitary conditions of any factory workshop or other establishment, wherein minors are employed in accordance with the provisions of this act and to make report in writing of his findings to the governor, to the board of health of the city of Wilmington and the State board of health quarterly, or more frequently if he shall deem it necessary.

SEC. 7. The provisions of this act shall not apply to any person or corporation engaged in the canning or preserving of fruits, vegetables or provisions or in the carrying on of any agricultural business "or to any person or persons, firm or corporation, engaged in the manufacture of fruit and berry baskets." Canneries, etc.

SEC. 8. In every case where it shall appear to the satisfaction of the inspector appointed under the provisions of this act, that any child or children under the age of sixteen years is a means of support and maintenance of a widowed mother that in every such case, the inspector may in his discretion issue a certificate to such child or children authorizing their employment, any provisions of this act to the contrary notwithstanding. Widow's child.

DISTRICT OF ALASKA.

ACTS OF U. S. CONGRESS, 1898–99.

CHAPTER 429.—TITLE 2.—*Employment of women and minors in barrooms.*

SECTION 478. No licensee under a barroom license shall employ, or permit to be employed, or allow any female or minor * * * to sell, give, furnish, or distribute any intoxicating drinks or any admixture thereof, ale, wine, or beer to any person or persons. * * * Employment prohibited.

ACTS OF U. S. CONGRESS, 1899–1900.

CHAPTER 786.—TITLE 2.—*Earnings of married women.*

SECTION 28. A wife may receive the wages of her personal labor, and maintain an action therefor in her own name and hold the same in her own right, and she may prosecute and defend all actions for the preservation and protection of her rights and property as if unmarried. Earnings separate property.

DISTRICT OF COLUMBIA.

CODE.

[Approved March 3, 1901; amended January 31 and June 30, 1902.]

Certain employments of children forbidden.

SECTION 814. * * * Any person, having in his custody or control a child under the age of fourteen years, who shall in any way dispose of it with a view to its being employed as an acrobat, or a gymnast, or a contortionist, or a circus rider, or a ropewalker, or in any exhibition of like dangerous character, or as a beggar, or mendicant, or pauper, or street singer, or street musician; or any person who shall take, receive, hire, employ, use, exhibit, or have in custody any child of the age last named for any of the purposes last enumerated, shall be deemed guilty of a misdemeanor, and, when convicted thereof, shall be subject to punishment by a fine of not more than two hundred and fifty dollars, or by imprisonment for a term not exceeding two years, or both. Acrobatic and mendicant occupations.

Earnings of married women.

SECTION 1151. All the property, real, personal, and mixed, belonging to a woman at the time of her marriage, and all such property which she may acquire or receive after her marriage from any person whomsoever * * * by her own skill, labor, or personal exertions * * * shall be her own property as absolutely as if she were unmarried, and shall be protected from the debts of the husband and shall not in any way be liable for the payment thereof: * * * Earnings separate property.

ACTS OF U. S. CONGRESS, 1894–95.

CHAPTER 192.—*Seats for female employees.*

Seats to be provided.

SECTION 1. All persons who employ females in stores, shops, offices, or manufactories as clerks, assistants, operatives, or helpers in any business, trade, or occupation carried on or operated by them in the District of Columbia, shall be required to procure and provide proper and suitable seats for all such females and shall permit the use of such seats, rests, or stools, as may be necessary, and shall not make any rules, regulations, or orders preventing the use of such stools or seats when any such female employees are not actively employed in their work in such business or employment.

Penalty.

SEC. 2. If any employer of female help in the District of Columbia, shall neglect or refuse to provide seats, as provided in this act, or shall make any rules, orders, or regulations in his shop, store, or other place of business, requiring females to remain standing when not necessarily employed in service or labor therein, he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be liable to a fine therefor in a sum not to exceed twenty-five dollars, with costs, in the discretion of the court.

ACTS OF U. S. CONGRESS, 1897–98.

CHAPTER 8.—*Factories and workshops—Water-closets.*

Water-closets to be provided.

SECTION 9. Every building in said District * * * where persons are employed or intended to be employed in any trade or business, shall be provided with sufficient and suitable privy accommodations, having regard to the number of persons employed in or in attendance at such building; and also where persons of both sexes are employed or intended to be employed, or in attendance, with sufficient, suitable, and separate privy accommodations for persons of each sex. It shall be unlawful for any owner or agent to put any person or persons in possession of any building, or any part thereof, not provided with privy accommodations as aforesaid, except a watchman for the purpose of guarding such building or part thereof.

ACTS OF U. S. CONGRESS, 1905–1906.

CHAPTER 3054.—*Employment of children—School attendance.*

School attendance required.

SECTION 1. Every parent, guardian, or other person residing in the District of Columbia having charge and control of a child between the ages of eight and fourteen years shall cause such child to be regularly instructed in the elementary branches of knowledge, including reading, writing, English grammar, geography, and arithmetic, and pursuant to this end every such parent, guardian, or other person aforesaid shall cause any child under the charge and control of such person to attend some public, private, or parochial school during the period of each year the public schools in the District are in session, on the customary days and during the customary hours of the school term. No child shall be credited with attendance upon a private or parochial school unless the attendance officer hereinafter provided for receives a certificate of attendance signed by the person in charge of such school. A child between the ages aforesaid may be excused from school attendance or instruction upon presentation of satisfactory evidence to the superintendent of schools that such child is being or has been within said year instructed a like period of time in the branches taught in the public schools, or that such child has acquired these branches of learning, or that the physical or mental condition of such child is such as to render such attendance or instruction inexpedient or impracticable.

SEC. 5. Any person who induces or attempts to induce any child to be absent unlawfully from school, or who knowingly employs or harbors while school is in session any child absent unlawfully from school, shall be deemed guilty of a misdemeanor and be punished by a fine of not more than twenty dollars. Penalty.

SEC. 6. The officers empowered under this act shall visit any place or establishment where minor children are employed to ascertain whether the provisions of this law are duly complied with, and shall as often as twice a year demand from all employers of such children a list of children employed, with their names and ages. Enforcement.

FLORIDA.

GENERAL STATUTES OF 1906.

Earnings of married women.

SECTION 2393. A married woman's wages and earnings acquired by her in any employment separate from her husband shall be her separate property and subject to her own disposal, and she shall be entitled to sue for and recover the same as though she were a single woman. Earnings separate property.

Seats for employees in stores, etc.

SECTION 3235. If any merchant, storekeeper, employer of male or female clerks, salesmen, cash boys or cash girls, or other assistants, in mercantile or other business pursuits, requiring such employees to stand or walk during their active duties, neglect to furnish at their own cost or expense suitable chairs, stools or sliding seats attached to the counters or walls, for the use of such employees when not engaged in their active work, and not required to be on their feet in the proper performance of their several duties; or refuse to permit their said employees to make reasonable use of said seats during business hours, for purposes of necessary rest, and when such use will not interfere with humane or reasonable requirements of their employment, he shall, upon conviction thereof, be punished by a fine of not more than one hundred dollars, or imprisonment not exceeding sixty days. Seats to be provided.

Certain employments of children forbidden.

SECTION 3237. Whoever takes, receives, hires, employs, uses, exhibits or in any manner or under any pretense sells, apprentices, gives away, lets out or otherwise disposes of to any person any child under the age of fourteen years for or in the vocation, occupation, service or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as a contortionist, rider, acrobat, or for or in any obscene, indecent or immoral purpose, exhibition or practice, or for or in any business, exhibition or vocation injurious to the health or dangerous to the life or limbs of such child, or causes or procures, or encourages any such child to engage therein, * * * or has in custody any such child for any of the purposes aforesaid, shall be fined not more than five hundred dollars, or imprisoned not more than six months. Nothing contained in this section shall apply to or affect the employment or use of any such child as a singer or musician in any church, school or academy, or at any amateur concert or entertainment, or in learning the science or practice of music and social dancing. Acrobatic, mendicant, etc., occupations.

Employment of children.

SECTION 3728. Whoever hires or employs or causes to be hired or employed any minor, knowing such minor to be under the age of fifteen years and under the legal control of another, without the consent of those having such legal control, for more than sixty days, shall be punished by imprisonment not exceeding sixty days or by fine not exceeding twenty dollars. Consent of parents required.

ACTS OF 1907.

CHAPTER 5686.—*Employment of children—General provisions.*

Age limit in factories, etc.

SECTION 1. No child under twelve years of age shall be employed at any time in any factory or work shops, bowling alley, barroom, beer garden, place of amusement where intoxicating liquors are sold, or in or about any mine or quarry.

Employment in vacation.

SEC. 2. No child under twelve years of age shall be employed, required or permitted to work for wages or gain, to whomsoever payable, at any occupation at any time, except that during that portion of the year in which there is no public school in the city, town or school district in which such child shall be at the time living, such child may be employed in any store, office, hotel, mercantile establishment, laundry or other reputable place of work not hereinabove forbidden: *Provided*, That there shall first be obtained from the county judge of the county or municipal judge of the town or city in which said store, office, hotel, mercantile establishment, or place of work is located a certificate authorizing such employment. Such certificate shall be issued by said county or municipal judge only upon the affidavit of the parent or guardian or person exercising parental control over said child, stating its age and date of birth, that there is no free public school then in session in the district, city or town where said child lives, and a certificate from a practicing physician that he has examined said child and that said child is, in his opinion, physically able to perform, with reasonable safety to itself, the work for which it is sought to be employed. Whenever it appears that a certificate of a county or municipal judge as herein provided shall have been obtained by a false statement as [to] the age of the child or other material facts, said judge shall revoke said certificate. The judge issuing a certificate shall receive the sum of twenty-five cents therefor, to be paid by the applicant. The certificate of the judge, together with copies of the affidavit of parent or guardian and certificate of the physician, shall be delivered to the employer and kept by him as herein provided: *Provided further*, That nothing herein contained shall be construed to prevent or abridge the right of a parent or guardian to require work from his child in his own vocation and under his supervision and direction.

Certificates.

Hours of labor.

SEC. 3. No child under the age of twelve years shall be employed, required or permitted to work for wages or gain, to whomsoever payable, longer than nine hours in any one day, or more than six days in any one week, nor after the hour of nine o'clock at night, nor before the hour of six o'clock in the morning.

Night work.

Register.

SEC. 4. It shall be the duty of every person, firm or corporation or the agent or manager of any person, firm or corporation, employing minors under the age of twelve years, wherein by reason of the nature of the employment, or the age of the minor, certificate and affidavits as herein above provided, are required to keep in the place of employment, a register or other convenient book or file for inspection containing all certificates and copies of affidavits and certificates furnished them in compliance with this act, so long as the person furnishing the same shall be in their employ; such register, book or file shall at all times be subject to the free inspection of any city, county or State officer of the county wherein said place of employment is located, or of the city or town marshal, or any member of the police force in whose territory or jurisdiction said place of employment may be located.

Enforcement.

SEC. 5. It shall be the duty of the sheriff in whose county such place of employment may be located, the city or town marshal or police officers within whose territory or jurisdiction such place of employment may be located, to enforce the provisions of this act, and to aid and assist in the prosecution of violations of the same before any court of competent jurisdiction: *Provided*, That nothing herein contained shall abridge or curtail the prosecution for violations of this act in any other way or manner consistent with the enforcement of the criminal laws of this State.

SEC. 6. Any parent, guardian or person exercising the parental authority over a child, who knowingly makes a false affidavit to any material fact as herein required, or who suffers or permits a child to be employed or to work in violation of this act or before the provisions hereof to be performed by him have been complied with, shall upon conviction be fined not more than five hundred dollars, or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment. Violations by parents.

SEC. 7. Any person, firm or corporation, or agent or manager of any corporation or firm, who shall violate or fail to comply with any of the provisions of this act, or shall hinder or delay any officer or his agent or deputies in the performance of their duties relative to the enforcement of this act, or refuse or hinder their access to the place of employment of such employer, or fail or refuse to keep for free inspection to such officer, or his agents or deputies, the register, book or file of certificates as herein provided, shall, upon conviction, be fined not more than one thousand dollars, or be imprisoned in the county jail not more than six months, or by both such fine and imprisonment. By employers.

SEC. 8. The performance of the work prohibited herein in any place of employment by a minor for one day shall constitute a violation of this act. Separate violations.

SEC. 9. Nothing in this act shall be so construed as to apply to household or agricultural work. Exceptions.

GEORGIA.

CONSTITUTION.

ARTICLE 3.—*Earnings of married women.*

SECTION 11. All property of the wife at the time of her marriage, and all property given to, inherited, or acquired by her, shall remain her separate property, and not be liable for the debts of her husband. Earnings separate property.

CODE OF 1895.

VOL. II.—CIVIL CODE.

Age of employment of telegraph operators on railroads.

SECTION 2237. No railroad company shall employ in this State any telegraph operator to receive and transmit dispatches governing the movement of trains, who is less than eighteen years of age, * * * Limit of 18 years.

SEC. 2238. Any railroad company violating the requirements of the preceding section shall forfeit for each offense not less than fifty dollars, and not more than five hundred dollars. Penalty.

Earnings of married women.

SECTION 2474. All property * * * acquired by the wife during coverture, shall vest in and belong to the wife, * * * Earnings separate property.

Hours of labor of minors—Corporal punishment.

SECTION 2619. The hours of labor by all persons under twenty-one years of age, in all other [i. e., than cotton or woolen mills, where eleven hours is the limit] manufacturing establishments, or machine shops in this State, shall be from sunrise until sunset, the usual and customary times for meals being allowed from the same; and any contract made with such persons or their parents, guardians, or others, whereby a longer time for labor is agreed upon or provided for, shall be null and void, so far as relates to the enforcement of said contracts against such laborers. Hours from sunrise to sunset.

[See section 3, act No. 399, Acts of 1906, below.]

Corporal punishment forbidden.

SEC. 2620. No boss or other superior in any manufacturing establishment shall inflict corporeal [corporal] punishment upon minor laborers; and the owners of such factory or machine shop shall be directly liable for all such conduct on the part of their employees; and such minor may sue in his own name for damages for such conduct, and the recovery shall be his own property, and not belong to his parents.

VOL. III.—PENAL CODE.

DIVISION 4.—*Seats for female employees.*

Seats to be provided.

SECTION 127. All persons and corporations employing females in manufacturing, mechanical or mercantile establishments, must provide suitable seats, and permit their use by such females when not necessarily engaged in the active duties for which they were employed. Any person who shall fail to comply with the requirements of this section and the officers of any corporation which shall fail to comply with said requirements shall be guilty of a misdemeanor.

Employment of minors in barrooms.

Employment prohibited.

SECTION 445. If any person keeping or carrying on, either by himself or by another, a barroom, or other place where spirituous liquors are sold by retail to be drunk on the spot, shall employ a minor in such barroom or other place, he shall be guilty of a misdemeanor.

Employment of children while parents live in idleness.

SECTION 453 (as amended by act, page 109, Acts of 1905).

* * * * *

Who are vagrants.

7. All persons who are able to work and do not work, and who have no property or other means of support, but hire out their minor children and live upon their wages, shall be deemed and considered vagrants.

* * * * *

Certain employments of children forbidden.

Acrobatic, mendicant, etc., occupations.

SECTION 706. Any person who shall sell, apprentice, give away, let out, or otherwise dispose of any child under twelve years, to any person, for the vocation, occupation, or service of rope or wire walking, begging, or as a gymnast, contortionist, circus rider, acrobat or clown, or for any indecent, obscene or immoral exhibition, practice or purpose, shall be guilty of a misdemeanor.

Misdemeanor.

SEC. 707. Whenever a child shall be disposed of in violation of the preceding section, the person who, under such selling, apprenticing or letting out, shall receive and use such child for any of the purposes condemned in said section, shall be guilty of a misdemeanor.

ACTS OF 1906.

ACT. No. 399.—*Employment of children in factories—Age limit—Night work.*

(Page 98.)

Age limit.

SECTION 1. From and after the approval of this act no child under ten years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within the State under any circumstances.

Limit in 1907.

SEC. 2. On and after January 1, 1907, no child under twelve years of age shall be so employed, or allowed to labor, unless such child be an orphan and has no other means of support, or unless a widowed mother or an aged or disabled father is dependent upon the labor of such child,

in which event, before putting such child at such labor, such father shall produce and file in the office of such factory or manufacturing establishment, a certificate from the ordinary of the county in which such factory or establishment is located, certifying under his seal of office to the facts required to be shown as herein prescribed: *Provided*, That no ordinary shall issue any such certificate except upon strict proof in writing and under oath, clearly showing the necessary facts: *And provided further*, That no such certificate shall be granted for longer than one year, nor accepted by any employer after one year from the date of such certificate.

Night work in 1908.

SEC. 3. On and after January 1, 1908, no child under fourteen years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State between the hours of seven p. m. and six a. m.

Illiterates.

SEC. 4. On and after January 1, 1908, no child, except as heretofore provided, under fourteen years of age shall be employed or allowed to labor in or about any factory or manufacturing establishment within this State, unless he or she can write his or her name and simple sentences, and shall have attended school for twelve weeks of the preceding year, six weeks of which school attendance shall be consecutive; and no such child as aforesaid between the ages of fourteen and eighteen years shall be so employed unless such child shall have attended school for twelve weeks of the preceding year, six weeks of which school attendance shall be consecutive; and at the end of each year, until such child shall have passed the public school age, an affidavit certifying to such attendance, as is required by this section, shall be furnished to the employer by the parent or guardian or person sustaining parental relation to such child. The provisions of this section shall apply only to children entering such employment at the age of fourteen years or less.

School attendance.

Certificates.

Affidavits as to age.

SEC. 5. It shall be unlawful for any owner, superintendent, agent or any other person acting for or in behalf of any factory or manufacturing establishment to hire or employ any child unless there is first provided and placed on file in the office of such employer an affidavit signed by the parent, guardian, or person standing in parental relation thereto, certifying to the age and date of birth of such child, and other facts required in this act. Any person knowingly furnishing a false affidavit as to the age, or as to any other facts required in this act, shall be deemed guilty of a misdemeanor. * * *

Inspection of list.

SEC. 6. The affidavit and certificates required in this act shall be open to inspection by the grand juries of any county where such factory or manufacturing establishments are located.

Misdemeanor.

SEC. 7. Any person or agent, or representative of any firm or corporation, who shall violate any provision of this act shall be deemed guilty of a misdemeanor, * * * Any parent, guardian, or other person standing in parental relation to a child, who shall hire or place for employment or labor in or about any factory or manufacturing establishment within this State a child in violation of any provision of this act, shall be deemed guilty of a misdemeanor. * * *

HAWAII.

REVISED LAWS—1905.

Earnings of married women.

Earnings separate property.

SECTION 2253. All work and labor performed, or services rendered by a married woman for or to a person other than her husband and children, shall, unless there is an express agreement on her part to the contrary, be presumed to be performed or rendered on her separate account.

ACTS OF 1907.

ACT No. 119.—*Employment of minors in saloons.*

SECTION 30. Licenses shall be subject to the following conditions and provisions:

* * * * *

Employment prohibited. (4) That no holder of a license for a saloon business shall employ any minor in or about the room or place where intoxicating liquors are furnished or sold:

* * * * *

IDAHO.

CONSTITUTION.

ARTICLE 13.—*Employment of children in mines.*

Age limit. SECTION 4. The employment of children under the age of fourteen (14) years in underground mines is prohibited.

CODES—1901.

PART II.—CIVIL CODE.

Earnings of minors.

Wages to be paid minor, when. SECTION 2073. The wages of a minor employed in service may be paid to him, unless within thirty days after the commencement of the service, the parent or guardian entitdel [entitled] thereto gives the employer notice that he claims such wag[e]s.

ACTS OF 1907.

Employment of children.

(Page 248.)

Age limit. SECTION 1. No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any such business or service whatever during the hours in which the public schools of the district in which the child resides are in session, or before the hour of six o'clock in the morning, or after the hour of nine o'clock in the evening: *Provided*, That any such child, over the age of twelve years may be employed at any of the occupations mentioned in this act during the regular vacations of two weeks or more of the public schools of the district in which such child resides.

Employment during school hours.

Night work.

Illiterates. SEC. 2. No minor who is under sixteen years of age shall be employed or permitted to work at any gainful occupation during the hours that the public schools of the school district in which he resides are in session, unless he can read at sight and write legibly simple sentences in the English language, and has received instruction in spelling, English grammar, and geography and is familiar with the fundamental operations of arithmetic up to and including fractions, or has similar attainments in another language.

Register. SEC. 3. Every person, firm, corporation, agent or officer of a firm or corporation employing or permitting minors under sixteen years of age and over fourteen years of age to work in any mine, factory, workshop, mercantile establishment, store, telegraph or telephone office, laundry, restaurant, hotel, apartment house, or in the distribution or trans-

mission of merchandise or messages, shall keep a record of the names, ages, and places of residence of such minors.

Hours of labor.

SEC. 4. No person under the age of sixteen years shall be employed or suffered or permitted to work at any gainful occupation more than fifty-four hours in any one week, nor more than nine hours in any one day; nor before the hour of six o'clock in the morning nor after the hour of nine o'clock in the evening.

Penalty.

SEC. 5. Whoever employs a child under sixteen years of age, and whoever, having under his control a child under such age permits such child to be employed in violation of sections 1 and 2 of this act shall, for such offense, be fined not more than fifty dollars, and whoever continues to employ any child in violation of either of said sections of this act after being notified by a truant officer, probation officer or school authority shall, for every day thereafter that such employment continues be fined not less than five nor more than twenty dollars. A failure to produce to a truant officer, policeman, probation officer or school authority, the age record required by this act shall be prima facie evidence of the illegal employment of any person whose age record is not produced. Any parent, guardian or custodian of a minor under sixteen years of age who knowingly swears falsely as to the age of such child for the purpose of obtaining an age record, is guilty of perjury.

Dangerous and immoral occupations.

SEC. 6. Any person, whether as parent, relative, guardian, employer or otherwise, having the care, custody or control of any child under the age of sixteen years, who exhibits, uses or employs in any manner or under any pretense, sells, apprentices, gives away, lets out or disposes of such child to any person, under any name, title or pretense, for or in any business, exhibition or vocation, injurious to the health or dangerous to the life or limb of such child, or in or for the vocation, occupation, service or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as a gymnast, acrobat, or contortionist, or rider, or in any place whatsoever, or for any obscene, indecent or immoral purpose, exhibition or practice whatsoever, or for or in any mendicant, or wandering business whatsoever, or who causes, procures or encourages such child to engage therein, is guilty of a misdemeanor, and punishable by a fine of not less than fifty nor more than two hundred and fifty dollars, or by imprisonment in the county jail for a term not exceeding six months or by both such fine and imprisonment. Every person who takes, receives, hires, employs, uses, exhibits or has in custody any child under the age and for any of the purposes mentioned in this section, is guilty of a like offense and punishable by like imprisonment. Nothing in this section contained applies to or affects the employment or use of any such child as a singer or musician in any church, school or academy, or the teaching or learning of the science or practice of music.

Sending as messengers.

SEC. 7. Any person, whether as parent, guardian, employer or otherwise, and any firm or corporation, who as employer or otherwise, shall send, direct, or cause to be sent or directed, any minor, to any saloon, gambling house, house of prostitution or other immoral place; or who shall employ any minor to serve intoxicating liquors to customers, or who shall employ a minor in handling intoxicating liquor or packages containing such liquors in a brewery, bottling establishment or other place where such liquors are prepared for sale or offered for sale, shall, for each offense, be punished by a fine of not less than fifty dollars or imprisonment for not less than two months or by both such fine and imprisonment.

Employment in saloons.

Enforcement.

SEC. 8. The probation officer, or in counties where there is not [a] probation officer, one or more of the school trustees, shall visit the various places of employment mentioned in sections 1 and 7 of this act and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall bring complaint for offenses under this act to the attention of the prosecuting attorney for prosecution, but nothing herein shall be held to prohibit any reputable citizen from bringing complaint for violations of this act. All offenses under this act shall be prosecuted in the probate court.

ILLINOIS.

STARR & CURTIS'S ANNOTATED STATUTES OF 1896.

CHAPTER 38.—*Certain employments of children forbidden.*

Acrobatic, mendicant, etc., occupations.

SECTION 131. It shall be unlawful for any person having the care, custody or control of any child under the age of fourteen years, to exhibit, use or employ, or in any manner, or under any pretense, sell, apprentice, give away, let out or otherwise dispose of any such child to any person in or for the vocation or occupation, service or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as a gymnast, contortionist, rider or acrobat in any place whatsoever, or for any obscene, indecent or immoral purpose, exhibition or practice whatsoever, or for, or in any business, exhibition or vocation injurious to the health, or dangerous to the life or limb of such child, or cause, procure or encourage any such child to engage therein. Nothing in this section contained shall apply to, or effect [affect] the employment or use of any such child as a singer or musician in any church, school or academy, or in the teaching or learning the science or practice of music.

CHAPTER 48.—*Sex no disqualification for employment.*

Sex not a bar.

SECTION 4. No person shall be precluded or debarred from any occupation, profession or employment (except military) on account of sex: *Provided*, That this act shall not be construed to affect the eligibility of any person to an elective office.

Act construed.

SEC. 5. Nothing in this act shall be construed as requiring any female to work on streets or roads, or serve on juries.

CHAPTER 68.—*Earnings of married women.*

Earnings separate property.

SECTION 7. A married woman may receive, use and possess her own earnings, and sue for the same in her own name, free from the interference of her husband or his creditors.

ACTS OF 1897.

Employment of children—School attendance.

(Page 296.)

Attendance required.

SECTION 1 (as amended by act, page 308, Acts of 1903, and page 520, Acts of 1907). Every person having control of any child between the ages of seven (7) and sixteen (16) years, shall annually cause such child to attend some public or private school for the entire time during which the school attended is in session, which period shall not be less than one hundred and ten (110) days of actual teaching: *Provided*, That this act shall not apply in any case where the child has been or is being instructed for a like period of time in each and every year in the elementary branches of education by a person or persons competent to give such instruction, or where the child's physical or mental condition renders his or her attendance impractical or inexpedient, or where the child is excused for temporary absence for cause by the principal or teacher of the school which said child attends, or where the child is between the ages of fourteen (14) and sixteen (16) years and is necessarily and lawfully employed during the hours when the public school is in session.

Penalty

SEC. 4 (as amended by act, page 308, Acts of 1903, and page 520, Acts of 1907). Any person having control of a child, who, with intent to

evade the provisions of this act, shall make a false statement concerning the age or the employment of such child or the time such child has attended school, shall for such offense forfeit a sum of not less than three dollars ($3.00) nor more than twenty dollars ($20.00) for the use of the public schools of such city, town, village or district.

ACTS OF 1899.

Employment of women and children in mines.

(Page 300.)

Employment prohibited.

SECTION 22 (as amended by act, page 326, Acts of 1905). No boy under the age of sixteen years, and no woman or girl of any age, shall be permitted to do any manual labor in or about any mine, and before any boy can be permitted to work in any mine he must produce to the mine manager or operator thereof an affidavit from his parent or guardian, or next of kin, sworn and subscribed to before a justice of the peace or notary public, that he, the said boy, is sixteen years of age.

ACTS OF 1903.

Employment of children.

(Page 187.)

Age limit of 14 years.

SECTION 1. No child under the age of fourteen years shall be employed, permitted or suffered to work at any gainful occupation in any theater, concert hall or place of amusement where intoxicating liquors are sold, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory or workshop, or as a messenger or driver therefor, within this State. No child under fourteen years of age shall be employed at any work performed for wages or other compensation, to whomsoever payable, during any portion of any month when the public schools of the town, township, village or city in which he or she resides are in session, nor be employed at any work before the hour of seven o'clock in the morning or after the hour of six o'clock in the evening: *Provided*, That no child shall be allowed to work more than eight hours in any one day.

Where a child is employed in violation of this section, the employer is liable for any injury resulting to him as long as he continues in the performance of the work which he was directed to do, even though the negligence of the child may have contributed to the accident.

That the child falsely represented that he was of legal age is not a defense. An employer must ascertain at his peril that the persons he employs are members of the class that he may lawfully employ. The statute is aimed at the master and not at the servant. 73 N. E. Rep. 766.

Register.

SEC. 2. It shall be the duty of every person, firm or corporation, agent or manager of any firm or corporation employing minors over fourteen years and under sixteen years of age in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theater, concert hall or place of amusement, passenger or freight elevator, factory or workshop, or as messenger or driver therefor, within this State, to keep a register in said mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theater, concert hall or place of amusement, factory or workshop in which said minors shall be employed or permitted or suffered to work, in which register shall be recorded the name, age and place of residence of every child employed or suffered or permitted to work therein, or as messenger or driver therefor, over the age of fourteen and under the age of sixteen years; and it shall be unlawful for any person, firm or corporation, agent or manager, of any firm or corporation to hire or employ, or to permit or suffer to work in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theater, concert hall or place of amusement, passenger or freight elevator, factory or workshop, or

as messenger or driver therefor, any child under the age of sixteen years and over fourteen years of age, unless there is first produced and placed on file in such mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, factory or workshop, theater, concert hall or place of amusement, an age and school certificate approved as herinafter provided.

List to be posted.

SEC. 3. Every person, firm or corporation, agent or manager of a corporation employing or permitting or suffering to work five or more children under the age of sixteen years and over the age of fourteen in any mercantile institution, store, office, laundry, hotel, manufacturing establishment, factory or workshop, shall post and keep posted in a conspicuous place in every room in which such help is employed, or permitted or suffered to work, a list containing the name, age and place of residence of every person under the age of sixteen years employed, permitted or suffered to work in such room.

Certificates.

SEC. 4. No child under sixteen years of age and over fourteen years of age shall be employed in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theater, concert hall, or place of amusement, passenger or freight elevator, factory or workshop, or as messenger or driver therefor, unless there is first produced and placed on file in such mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theater, concert hall or place of amusement, factory or workshop, and accessible to the State factory inspector, assistant factory inspector or deputy factory inspector, an age and school certificate as hereinafter prescribed; and unless there is kept on file and produced on demand of said inspectors of factories a complete and correct list of all the minors under the age of sixteen years so employed who can not read at sight and write legibly simple sentences, unless such child is attending night school as hereinafter provided.

Who may issue.

SEC. 5. An age and school certificate shall be approved only by the superintendent of schools or by a person authorized by him in writing; or where there is no superintendent of schools by a person authorized by the school board: *Provided*, That the superintendent or principal of a parochial school shall have the right to approve an age and school certificate, and shall have the same rights and powers as the superintendent of public schools to administer the oaths herein provided for children attending parochial schools: *Provided, further*, That no member of a school board or other person authorized as aforesaid shall have authority to approve such certificates for any child then in or about to enter his own establishment, or the employment of a firm or corporation of which he is a member, officer or employee. The person approving these certificates shall have authority to administer the oath provided herein, but no fee shall be charged therefor. It shall be the duty of the school board or local school authorities to designate a place (connected with their office, when practicable) where certificates shall be issued and recorded, and to establish and maintain the necessary records and clerical service for carrying out the provisions of this act.

Evidence.

SEC. 6. An age and school certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism of such child, the register of birth of such child with a town or city clerk, or by the records of the public or parochial schools, that such child is of the age stated in the certificate: *Provided*, That in cases arising wherein the above proof is not obtainable, the parent or guardian of the child shall make oath before the juvenile or county court as to the age of such child, and the court may issue to said child an age certificate as sworn to.

School certificate.

SEC. 7. The age and school certificate of a child under sixteen years of age shall not be approved and signed until he presents to the person authorized to approve and sign the same, a school attendance certificate, as hereinafter prescribed, duly filled out and

signed. A duplicate of such age and school certificate shall be filled out and shall be forwarded to the State factory inspector's office. Any explanatory matter may be printed with such certificate in the discretion of the school board or superintendent of schools. The employment and the age and school certificates shall be separately printed and shall be filled out, signed, and held or surrendered as indicated in the following forms: Duplicates required.

SCHOOL CERTIFICATE.

(Name of school). (City or town and date).

This certifies (name of minor) of the —th grade, can read and write legibly simple sentences. This also certifies that according to the records of this school, and in my belief, the said (name of minor) was born at (name of city or town) in (name of county) on the (date) and is now (number of years and months) old. Forms.

(Name of parent or guardian),
(Residence).

(Signature of teacher) —— grade.
(Name of principal).
Correct. (Name of school).

EVENING SCHOOL ATTENDANCE CERTIFICATE.

(Date).

This certifies that (name of minor) is registered in and regularly attends the ——— evening school. This also certifies that according to the records of my school and in my belief the said (name of minor) was born at (name of city or town) on the —— day of (year), and is now (number of years and months) old.

(Name of parent or guardian),
(Residence).

(Signature of teacher).
(Signature of principal)

AGE AND SCHOOL CERTIFICATE.

This certifies that I am (father, mother, guardian or custodian) of (name of minor), and that (he or she) was born at (name of town or city) in the (name of county, if known) and State or count[r]y of ———, on the (day of birth and year of birth) and is now (number of years and months) old.

(Signature of parent, guardian or custodian),
(City or town and date).

There personally appeared before me the above-named (name of person signing) and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge. I hereby approve the foregoing certificate of (name of child), height (feet and inches), weight ——, complexion (fair or dark), hair, (color) having no sufficient reason to doubt that (he or she) is of the age therein certified.

OWNER OF CERTIFICATE.

This certificate belongs to (name of child in whose behalf it is drawn) and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same; but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools, or where there is no superintendent of schools, to the school board. (Signature of person authorized to approve and sign, with official character authority) (town, or city and date,)

In the case of a child who can not read at sight and write legibly simple sentences, the certificate shall continue as follows, after the word sentences: "I hereby certify that (he or she) is regularly attending the (name of public or parochial evening school)." This certificate shall continue in force just as long as the regular attendance of said child at said evening school is certified weekly by the teacher and principal of said school.

In any city or town in which there is no public or parochial evening school, an age and school certificate shall not be approved for a child under the age of sixteen years who can not read at sight and write legibly simple sentences. When the public or parochial evening schools are not in session, an age and school certificate shall not be approved for any child who can not read at sight and write legibly simple sentences. The certificate of the principal of a public or parochial school shall be prima facie evidence as to the literacy or illiteracy of the child.

Illiterates.

SEC. 8. No person shall employ any minor over fourteen years of age and under sixteen years, and no parent, guardian or custodian shall permit to be employed any such minor under his control, who can not read at sight and write legibly simple sentences, while a public evening school is maintained in the town or city in which such minor resides, unless such minor is a regular attendant at such evening school.

Enforcement.

SEC. 9. The State inspector of factories, his assistants or deputies, shall visit all mercantile institutions, stores, offices, laundries, manufacturing establishments, bowling alleys, theaters, concert halls or places of amusement, factories or workshops, and all other places where minors are or may be employed in this State, and ascertain whether any minors are employed contrary to the provisions of this act. Inspectors of factories may require that age and school certificates, and all lists of minors employed in such factories, workshops, mercantile institutions and all other places where minors are employed as provided for in this act, shall be produced for their inspection on demand: *And, provided further*, That upon written complaint to the school board or local school authorities of any city, town, district or municipality, that any minor (whose name shall be given in such complaint) is employed in any mercantile institution, store, office, laundry, manufacturing establishment, bowling alley, theater, concert hall or place of amusement, passenger or freight elevator, factory or workshop, or as messenger or driver therefor, contrary to the provisions of this act, it shall be the duty of such school board or local school authority to report the same to the State inspector of factories.

Children under 16 years.

SEC. 10. No person under the age of sixteen years shall be employed or suffered or permitted to work at any gainful occupation more than forty-eight hours in any one week, nor more than eight hours in any one day; or before the hours of seven o'clock in the morning or after the hour of seven o'clock in the evening. Every employer shall post in a conspicuous place in every room where such minors are employed, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begins and ends. The printed form of such notice shall be furnished by the State inspector of factories, and the employment of any such minor for longer time in any day so stated shall be deemed a violation of this section.

Dangerous employments.

SEC. 11. No child under the age of sixteen years shall be employed at sewing belts, or to assist in sewing belts, in any capacity whatever; nor shall any child adjust any belt to any machinery; they shall not oil or assist in oiling, wiping or cleaning machinery; they shall not operate or assist in operating circular or band saws, wood shapers, wool jointers [wood jointers], planers, sandpaper or wood-polishing machinery, emery or polishing wheels used for polishing metal, wood-turning or boring

machinery, stamping machines in sheet metal and tinware manufacturing, stamping machines in washer and nut factories, operating corrugating rolls, such as are used in roofing factories, nor shall they be employed in operating any passenger or freight elevators, steam boiler, steam machinery, or other steam generating apparatus, or as pin boys in any bowling alleys; they shall not operate or assist in operating dough brakes, or cracker machinery of any description; wire or iron-straightening machinery; [n]or shall the [they] operate or assist in operating rolling-mill machinery punches or shears, washing, grinding or mixing mill or calendar rolls in rubber manufacturing, nor shall they operate or assist in operating laundry machinery; nor shall children be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used, and they shall not be employed in any capacity in the manufacture of paints, colors or white lead; nor shall they be employed in any capacity whatever in operating or assisting to operate any passenger or freight elevator; nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes, or any other employment that may be considered dangerous to their lives or limbs, or where their health may be injured or morals depraved; nor in any theater, concert hall, or place of amusement wherein intoxicating liquors are sold; nor shall females under sixteen years of age be employed in any capacity where such employment compels them to remain standing constantly.

Elevators.

Immoral, etc., surroundings.

SEC. 12. The presence of any person under the age of sixteen years in any manufacturing establishment, factory or workshop, shall constitute prima facie evidence of his or her employment therein.

Evidence.

SEC. 13. It shall be the special duty of the State factory inspector to enforce the provisions of this act, and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in this State. It shall be the duty of the State factory inspector, assistant State factory inspector and deputy State factory inspectors under the supervision and direction of the State factory inspector, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by this act.

Enforcement.

SEC. 14. Whoever, having under his control a child under the age of 16 years, permits such child to be employed in violation of the provisions of this act, shall for each offense be fined not less than $5 nor more than $25, and shall stand committed until such fine and costs are paid. A failure to produce to the inspector of factories, his assistants or deputies, any age and school certificates, or lists required by this act, shall constitute a violation of this act, and the person so failing shall, upon conviction, be fined not less than $5 nor more than $50 for each offense. Every person authorized to sign the certificate prescribed by section 7 of this act, who certifies to any materially false statement therein shall be guilty of a violation of this act, and upon conviction, be fined not less than $5 nor more than $100 for each offense, and shall stand committed until such fine and costs are paid. Any person, firm or corporation, agent or manager, superintendent or foreman of any firm or corporation, whether for himself or for such firm or corporation, or by himself or through subagents or foreman, superintendent or manager, who shall violate or fail to comply with any of the provisions of this act, or shall refuse admittance to premises, or otherwise obstruct the factory inspector, assistant factory inspector or deputy factory inspector in the performance of their duties, as prescribed by this act, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $5 nor more than $100 for each offense, and shall stand committed until such fine and costs are paid.

Penalty.

INDIANA.

ANNOTATED STATUTES OF 1894—REVISION OF 1901.

Certain occupations of children forbidden.

Acrobatic, immoral, etc., occupations.

SECTION 2241. Any person having the care, custody or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away, or otherwise dispose of such child, and any person who shall take, receive or employ such child for the vocation or occupation of rope or wire walking, or as an acrobat, gymnast, contortionist, or rider, and any person who, having the care, custody or control of any minor child shall sell, apprentice, give away or otherwise dispose of such child, or who shall take, receive or employ such child for any obscene, indecent or illegal exhibition or vocation, or any vocation injurious to the health or dangerous to the life or limb of such child engaged therein, or for the purpose of prostitution, and any person who shall retain, harbor or employ any minor child in or about any assignation house or brothel, or in any place where any obscene, indecent or illegal exhibition takes place, shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, mayor, police judge or criminal court shall be fined not less than ten dollars, nor more than one hundred dollars, to which may be added imprisonment not exceeding thirty days.

Mendicant occupations.

SEC. 2242. Any person having the care, custody or control, lawful or unlawful, of any minor child under the age of eighteen years, who shall apprentice, give away, let out, hire, or otherwise dispose of such minor to any person for the purpose of singing, playing on musical instruments, begging, or for any mendicant business whatever, in the streets, roads or other highways of the State, and whosoever shall take, receive, hire, employ, use or have in custody any such [minor] for the vocation, occupation, calling, service or purpose of singing, playing upon musical instruments or begging upon the streets, roads or other highways of the State, or for any mendicant business whatever, shall be guilty of a misdemeanor, and upon conviction thereof in the manner provided in the first section of this act, shall be fined not less than five dollars nor more than one hundred dollars, to which may be added imprisonment not exceeding thirty days.

Employment in dance houses, saloons, etc.

SEC. 2243. Any person having the care, custody or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away, or permit such child to sing, dance, act, or in any manner exhibit in any dance house whatever, or in any concert saloon, theater, or place of entertainment where wines or spirituous or malt liquors are sold or given away, or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passage way or entrance, or any proprietor of any dance house whatever, or the proprietor of any such concert saloon, theater or place of entertainment so employing any such child, shall be guilty of a misdemeanor, and upon conviction thereof, * * * shall be fined not less than ten dollars nor more than one hundred dollars for each offense, to which may be added imprisonment not exceeding thirty days.

Seats for female employees.

Seats to be provided.

SECTION 2246. Every person or corporation employing women or girls in any business in his State shall provide suitable seats for the use of said employees so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for the performance of which they are so employed.

Penalty.

SEC. 2247. Any person or persons, or any corporation violating any of the provisions of this act, shall be punished by a fine of not less than ten dollars nor more than thirty dollars for each offense. And it is made the duties of the prosecuting attorneys of the State to enforce the provisions of this act.

Earnings of married women.

SECTION 6975. A married woman may carry on any trade or business and perform any labor or service on her sole and separate account. The earnings and profits of any married woman, accruing from her trade, business, services or labor, other than labor for her husband or family, shall be her sole and separate property. Earnings separate property.

Services performed by a wife in connection with her husband, do not, in the absence of an agreement, give her a separate right of action. 17 Ind. App. 253.

Employment of women and children.

SECTION 7087a. No person under sixteen years of age, and no female under eighteen years of age, employed in any manufacturing or mercantile establishment, laundry, renovating works, bakery or printing office, shall be required, permitted or suffered to work therein more than sixty hours in any one week, nor more than ten hours in any one day, unless for the purpose of making a shorter day on the last day of the week; nor more hours in any one week than will make an average of ten hours per day for the whole number of days which such person or such female shall so work during such week; and every person, firm, corporation or company employing any person under sixteen years of age, or any female under eighteen years of age in any establishment as aforesaid, shall post and keep posted in a conspicuous place in every room where such help is employed a printed notice stating the number of hours of labor per day required of such person for each day of the week, and the number of hours of labor exacted or permitted to be performed by such persons shall not exceed the number of hours of labor so posted as being required. The time of beginning and ending the day's labor shall be the time stated in such notice: *Provided*, That such female under eighteen and persons under sixteen years of age may begin after the time set for beginning and stop before the time set in such notice for the stopping of the day's labor, but they shall not be permitted or required to perform any labor before the time stated on the notices as the time for beginning the day's labor, nor after the time stated upon the notices as the hour of ending the day's labor. Hours of labor.

SEC. 7087b. No child under fourteen years of age shall be employed in any manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office within this State. It shall be the duty of every person employing young persons under the age of sixteen years to keep a register, in which shall be recorded the name, birthplace, age and place of residence of every person employed by him under the age of sixteen years; and it shall be unlawful for any proprietor, agent, foreman or other person connected with a manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office to hire or employ any young person to work therein without there is first provided and placed on file in the office an affidavit made by the parent or guardian, stating the age, date and place of birth of said young person; if such young person have no parent or guardian, then such affidavit shall be made by the young person, which affidavit shall be kept on file by the employer, and said register and affidavit shall be produced for inspection on demand made by the inspector, appointed under this act. There shall be posted conspicuously in every room where young persons are employed, a list of their names, with their ages, respectively. No young person under the age of sixteen years, who is not blind, shall be employed in any establishment aforesaid, who can not read and write simple sentences in the English language, except during the vacation of the public schools in the city or town where such minor lives. The chief inspector of the department of inspection shall have the power to demand a certificate of physical fitness from some regular physician in the case of young persons who may seem physically unable to perform the labor at which they may be Age limit.

employed, and shall have the power to prohibit the employment of any minor that can not obtain such certificate.

Employment of a boy under fourteen years of age is negligence per se; but it must be the proximate cause of the injuries of a plaintiff to make an employer liable therefor. 73 N. E. Rep. 117.

The fact that a parent or guardian knows of the employment of a child within the age limits requiring an affidavit of such parent or guardian, and that they do not inform the employer of the age, does not excuse the latter from the duty of obtaining the certificate. 71 N. E. Rep. 922.

Night work. SEC. 7087c. No person or corporation, or officer or agent thereof, shall employ any woman or female young person in any capacity for the purpose of manufacturing, between the hours of 10 o'clock at night and 6 o'clock in the morning.

Operating elevators. SEC. 7087d. No person, company, corporation or association shall employ or permit any young person to have the care, custody, management of or to operate any elevator.

Cleaning moving machinery. SEC. 7087i. * * * No person under sixteen years of age, and no female under eighteen years of age, shall be allowed to clean machinery while in motion.

Wash rooms, etc. SEC. 7087j. A suitable and proper wash room and water-closets shall be provided by the owner, agent or lessee in each establishment above enumerated, and such water-closets shall be properly screened and ventilated and kept at all times in a clean condition, with not less than one seat for each twenty-five persons, and one seat for each fraction thereof above ten, employed in such establishment; and if women and girls are employed in any such establishment, the water-closets used by them shall have separate approaches and be separate and apart from those used by the men. All water-closets shall be kept free of obscene writing and marking. A dressing room shall be provided for women and girls, when required by the chief inspector, in any establishment aforesaid in which women and girls are employed; and the employer of such women and girls shall provide a suitable seat for the use of each female employee placed conveniently where she works, and shall permit the use of the same when she is not necessarily engaged in the active duties for which she is employed, and such seats shall be constructed or adjusted where practicable so as to be a fixture and not obstruct such female when actually engaged in the performance of such duties when such seat can not be used.

Definitions. SEC. 7087r. The language used in this act shall be interpreted to have the following meaning: The word "person" means any individual, corporation, partnership, company or association. The word "child" means a person under the age of fourteen years. The words "young person" means a person of the age of fourteen years and under the age of eighteen years. The word "woman" means a female of the age of eighteen years and upwards. The words "manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office" means [mean] any mill, factory, workshop, store, place of trade, or other establishment where goods, wares or merchandise are manufactured or offered for sale, or any mine or quarry where coal and stone are mined and quarried for the market, and persons are employed for hire.

ACTS OF 1905.

CHAPTER 50.—*Employment of women and children in mines.*

Employment prohibited. SECTION 24. No male person under the age of fourteen years or female of any age shall be permitted to enter any mine in this State for the purpose of employment therein, and the parents or guardians of boys shall be required to furnish an affidavit as to the age of said boy or boys when there is any doubt in regard to their age, and in all cases of minors applying for work the operator of any mine shall see that the provisions of this section are not violated.

CHAPTER 169.—*Hours of labor of children.*

SECTION 629. Any person, firm, company, corporation or association engaged in manufacturing in this State, and permitted by law to employ child labor; or any foreman, clerk, officer, or agent of any such person, firm, corporation or association, who shall employ or keep at work any child under fourteen years of age more than eight hours per day, shall, on conviction, be fined not less than ten dollars nor more than one hundred dollars. Eight hours a day's work.

IOWA.

CODE OF 1897 AND SUPPLEMENT OF 1902.

Employment of females in barrooms.

SECTION 2448. * * * * * Employment prohibited.
SUBSEC. 8. No female shall be employed in the place [where intoxicating liquors are sold].

Earnings of married women.

SECTION 3162. A wife may receive the wages for her personal labor, and maintain an action therefor in her own name, and hold the same in her own right, and may prosecute and defend all actions for the preservation and protection of her rights and property, as if unmarried. Earnings separate property.

Earnings of minors.

SECTION 3191. Where a contract for the personal services of a minor has been made with him alone, and the services are afterwards performed, payment therefor made to him, in accordance with the terms of the contract, is a full satisfaction therefor, and the parent or guardian can not recover a second time. Payment to minors.

Employment of women and children.

SECTION 4999. All employers of females in any mercantile or manufacturing business or occupation shall provide and maintain suitable seats, when practicable, for the use of such female employees, at or beside the counter or workbench where employed, and permit the use thereof by such employees to such extent as the work engaged in may reasonably admit of. Seats.

Any neglect or refusal to comply with the provisions of this section by any employer shall be punished by a fine not exceeding ten dollars.

SEC. 4999a. Every manufacturing establishment, workshop or hotel in which five or more persons are employed, shall be provided with a sufficient number of water-closets, earth closets or privies for the reasonable use of the persons employed therein, which shall be properly screened and ventilated and kept at all times in a clean condition; and if women or girls are employed in such establishment, the water-closets, earth closets or privies used by them shall have separate approaches and be separate and apart from those used by the men. Water-closets.

SEC. 4999b. * * * No person under sixteen years of age, and no female under eighteen years of age shall be permitted or directed to clean machinery while in motion. Children under sixteen years of age shall not be permitted to operate or assist in operating dangerous machinery of any kind. Cleaning moving machinery.

ACTS OF 1906.

CHAPTER 103.—*Employment of children.*

SECTION 1. No person under fourteen years of age shall be employed with or without wages or compensation in any mine, manufacturing establishment, factory, mill, shop, laundry, slaughter- Age limit.

Operating elevators.

house or packing house, or in any store or mercantile establishment where more than eight persons are employed, or in the operation of any freight or passenger elevator.

Dangerous, etc., occupations.

SEC. 2. No person under sixteen years of years [sic] of age shall be employed at any work or occupation by which, by reason of its nature or the place of employment, the health of such person may be injured, or his morals depraved, or at any work in which the handling or use of gunpowder, dynamite or other like explosive is required, and no female under sixteen years of age shall be employed in any capacity where the duties of such employment compel her to remain constantly standing.

Night work.

SEC. 3. No person under sixteen years of age shall be employed at any of the places or in any of the occupations recited in section 1 hereof before the hour of six o'clock in the morning or after the hour of nine o'clock in the evening, and if such person is employed exceeding five hours of each day, a noon intermission of not less than thirty minutes shall be given between the hours of eleven and one o'clock, and such person shall not be employed more than ten hours in any one day, exclusive of the noon intermission, but the provisions of this section shall not apply to persons employed in husking sheds or other places connected with canning factories where vegetables or grain are prepared for canning and in which no machinery is operated.

Hours of labor.

List.

SEC. 4. Every person, firm or corporation having in its employ, at any of the places or in any of the occupations recited in section 1 of this act, any persons under sixteen years of age, shall cause to be posted at some conspicuous location at the place of such employment, and where same shall be accessible to inspection at all times during business hours, a list of the names of such persons, giving after each name, the date of the birth of such person and the date when employed.

False statements.

SEC. 5. Any parent, guardian or other person, who having under his control any person under sixteen years of age causes or permits said person to work or be employed in violation of the provisions of this act, or any person making, certifying to, or causing to be made or certified to, any statement, certificate or other paper for the purpose of procuring the employment of any person in violation of the provisions of this act, or who makes, files, executes or delivers any such statement [,] certificate or other paper containing any false statement for the purpose of procuring the employment of any person in violation of this act, or for the purpose of concealing the violation of this act in such employment, and every person, firm or corporation, or the agent [,] manager, superintendent, or officer of any person, firm or corporation, whether for himself or such person, firm or corporation, either by himself or acting through any agent, foreman, superintendent or manager, who knowingly employs any person or permits any person to be employed in violation of the provisions of this act, or who shall refuse to allow any authorized officer or person to inspect any place of business under the provisions of this act, if demand is made therefor at any time during business hours or who shall willfully obstruct such officer or person while making such inspection, or who shall fail to keep posted the lists containing the names of persons employed under sixteen years of age and other information as required by this act, or who shall knowingly insert any false statement in such list, or who violates any other provision of this act, shall be deemed guilty of a misdemeanor, and upon being found guilty thereof, shall be fined not to exceed one hundred dollars or be imprisoned in the county jail not to exceed thirty days.

Enforcement.

SEC. 6. It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act, and such commissioner and his deputies, factory inspectors, assistants and other persons authorized by him in writing, State mine inspectors, and county attorneys, mayors, chiefs of police and police officers, acting under their written directions, city and town marshals, sheriffs and their deputies within the territories where they exercise their official functions, and any person having au-

thority therefor in writing from the judge of a court of record within the territory over which such judge has jurisdiction, shall have authority to visit any of the places enumerated in section 1 of this act, and make an inspection thereof to ascertain if any of the provisions of this act are violated or any person unlawfully employed thereat, and such persons shall not be interfered with or prevented from asking questions of any person found at the place being inspected by them with reference to the provisions of this act. It shall be the duty of the county attorney to investigate all complaints made to him of the violation of this act, and to attend and prosecute at the trial of all cases for its violation upon any information that may be filed within his county.

KANSAS.

GENERAL STATUTES OF 1901.

Certain employments of children forbidden.

Acrobatic and mendicant occupations.

SECTION 2034. * * * Any person having in his custody or control a child under the age of fourteen years, who shall in any way dispose of it with a view to its being employed as an acrobat, or a gymnast, or a contortionist, or a circus rider, or a rope-walker, or in any exhibition of like dangerous character, or as a beggar, or mendicant, or pauper, or street singer, or street musician; or any person who shall take, receive, hire, employ, use, exhibit, or have in custody any child of the age last named for any of the purposes last enumerated, shall be deemed guilty of a misdemeanor, and when convicted thereof shall be subject to punishment by a fine of not more than two hundred and fifty dollars, or by imprisonment for a term not exceeding one year, or both.

Seats for female employees.

Seats to be provided.

SECTION 3842. The proprietor, manager or person having charge of any mercantile establishment, store, shop, hotel, restaurant or other place where women or girls are employed as clerks or help therein in this State shall provide chairs, stools or other contrivances for the comfortable use of such female employees, and shall permit the use of same by such female employees for the preservation of their health and for rest when not actively employed in the discharge of their respective duties.

Penalty.

SEC. 3843. Any proprietor, manager or other person violating the preceding section of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not less than ten dollars nor more than one hundred dollars.

Earnings of married women.

Earnings separate property.

SECTION 4022. Any married woman may carry on any trade or business, and perform any labor or services, on her sole and separate account; and the earnings of any married woman, from her trade, business, labor or services, shall be her sole and separate property, and may be used and invested by her in her own name.

Employment of children in mines.

Age limit.

SECTION 4140. No person under twelve years of age shall be allowed to work in any coal mine, nor any minor between the ages of twelve and sixteen years unless he can read and write and furnish a certificate from a school teacher, which shall be kept on file, showing that he has attended school at least three months during the year; and in all cases of minors applying for work, the agent of such coal mine shall see that the provisions of this section are not violated; and upon conviction of a willful violation of this section of this act, the agent of such coal mine shall be fined in any sum not to exceed fifty dollars for each and every offense.

[See section 1, chapter 278, Acts of 1905, below.]

ACTS OF 1905.

CHAPTER 278.—*Employment of children—Age limit in factories, mines, etc.*

Age limit.

SECTION 1. No child under fourteen years of age shall be employed at any time in any factory or packing houses or in or about any mine. No person under sixteen years of age shall be employed at any occupation nor at any place dangerous or injurious to life, limb, health, or morals.

Certificate.

SEC. 2. All persons, firms or corporations employing children shall be required first to obtain a certificate of the age of such children, where possible, from the school board, principal of school or teacher of the school in district or city wherein such children reside. Said certificate shall be issued without charge; shall be substantially in the following form:

STATE OF KANSAS, COUNTY OF ———, ——— CITY OR DISTRICT.

This certifies that ——— ———, according to the records of this school and from all the knowledge that I can obtain, was born at ———, in ——— County, and ——— city, of the State of ———, and is now under —— years of age.

(Signed.) ——— ———.

To which shall be added the name of the school district or city and the official position of the member of the board, principal or teacher signing the same. When it is impossible to secure the certificate herein above provided for as to the age of the child, the firm, person or corporarion [corporation] employing such child shall secure a statement of the age of such child from the parent or legal guardian of such child, which statement shall be verified under oath before some officer authorized to administer oaths. Such certificate shall be sufficient protection to the employer of any child as to the age of such child, except when such employer has actual knowledge of the falsity of such certificate; and all such certificates shall be kept constantly on file in a convenient place, and shall at all times be open to the inspection of the proper authorities, as provided in this act.

Enforcement.

SEC. 3. It shall be the duty of the State factory inspector, State inspector of mines and their deputies to inspect the certificates herein above provided for, to examine children employed in factories, mines and packing houses as to their age, and to file complaints in any court of competent jurisdiction to enforce the provisions of this act, and it shall be the duty of the county attorney of the proper county to appear and prosecute all complaints so filed.

Penalty.

SEC. 4. Any person, firm or corporation employing any person or child in violation of any provisions of this act, or permitting or conniving at such violation, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail not less than thirty days nor more than ninety days.

KENTUCKY.

CONSTITUTION.

Employment of children to be regulated.

Assembly to pass laws.

SECTION 243. The general assembly shall, by law, fix the minimum ages at which children may be employed in places dangerous to life or health, or injurious to morals; and shall provide adequate penalties for violations of such law.

STATUTES OF 1903.

Certain employments of children forbidden—Age limit in factories, etc.

Mendicant, immoral, etc., occupations.

SECTION 326. A person who, for gain or reward, employs or causes to be employed, or who exhibits, uses, or who has in his custody for the purpose of exhibiting or employing any child actually or apparently under the age of sixteen years, or any person who, having the care, custody, or control of such child, as parent, relative, guardian, employer, or otherwise, sells, lets out, gives away, or in any way procures or consents for gain or reward to the employment or exhibition of such child, either, first, in begging or receiving alms, or in any mendicant occupation; second, or (being a female) in peddling or in any wandering occupation; third, or male or female in any indecent or immoral occupation or practice, or in the exhibition of any such child when insane or idiotic; or, fourth, in any practice or exhibition of unusual danger to the life, limb, health, or morals of the child, is guilty of a misdemeanor, and shall, for the first offense, be fined not more than twenty dollars, or confined in the county jail or workhouse, in counties having a workhouse, not more than ninety days, or both so fined and confined within the discretion of the court; and, upon conviction for the second, or any subsequent offense, shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the penitentiary for a term not exceeding one year, or both so fined and confined within the discretion of the jury.

Age limit.

SEC. 331a. 1. It shall be unlawful for a proprietor, foreman, owner or other person to employ any child less than fourteen years of age in any workshop, factory, or mine, in this State; unless said proprietor, foreman or owner shall know the age of the child, it shall be his or their duty to require the parent or guardian to furnish a sworn statement of its age, and any swearing falsely to such by the parent or guardian shall be perjury and punishable as such.

Proviso.

Provided, That if the parent or guardian and the county judge of any county may consent in writing for such employment, then in that event such employment may be made, subject to the approval of the county attorney of said county, in the event of any complaint, and if he thinks, after investigation of such complaint, that it is against the best interests or moral welfare of such infant child he may so notify said employer, and then this act applies as if no consent was given.

Penalty.

2. Any proprietor, foreman, or owner employing a child less than fourteen years of age in conflict with the provisions of this act, except where such proprietor, foreman or owner has been furnished with a sworn statement of guardian or parent that the child is more than fourteen years of age, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars and not more than two hundred and fifty dollars.

[See chapter 52, Acts of 1906, below.]

ACTS OF 1906.

CHAPTER 52.—*Employment of children—Factory inspection.*

Hours of labor.

SECTION 1. No child under sixteen years of age, employed in any manufacturing establishment, mine, mill or workshop in this Commonwealth, shall be required, permitted or suffered to work therein more than sixty hours in any one week, nor more than ten hours in any one day, unless for the purpose of making a shorter work day on any one day of the week, and in no case shall any child under sixteen years of age work in any manufacturing establishment, mine, mill or workshop after seven o'clock in the evening or before six o'clock in the morning of any day; and every

Night work.

person, firm, corporation or company employing any child under sixteen years of age in any manufacturing establishment, mine, mill or workshop shall post, and keep posted, in a conspicuous place in the office, a printed notice, stating the number of hours of labor per day required of such persons for each day of the week, and the number of hours of labor exacted or permitted to be performed by such persons shall not exceed the number of hours of labor so posted as being required. The time of beginning and ending the day's labor shall be the time stated in such notice.

Age limit. SEC. 2. No child under fourteen (14) years of age shall be employed at any time in any factory, workshop, mill or mine, unless said child shall have no other means of support. No such child shall be employed in any mercantile establishment, nor in any service of any telegraph, telephone or public messenger company, laundry, printing establishment, except during the vacation of the public schools. No child under sixteen (16) years of age shall be employed at any occupation dangerous or injurious to health or morals. And in event of disagreement between the labor inspector and proprietor, the city or county physician shall be called in as referee, and his decision shall be final. It shall be the duty of

Register. every person employing children to keep a register in which shall be recorded the name, birthplace, age and place of residence of every person employed by him under the age of sixteen years; and it shall be unlawful for any proprietor, agent, foreman or other person in or connected with a manufacturing establishment, mine, mill or workshop to hire any child under the age of sixteen years to work therein without there is first provided and placed on file in the office an affidavit made by the parent or guardian, stating the age, date and place of birth of said child. If said child has no parent or guardian, the said affidavit shall be made by the child, which affidavit shall be kept on file by the employer, and said register and affidavit shall be produced for inspection on demand by the labor inspector. There shall be posted conspicuously in every office of every factory, mill, workshop or mine, where children under sixteen years of age are employed, a list of their names, with their ages, respectively. The labor inspector shall have the power to demand a certificate of physical fitness from the city or county physician in the case of children whom he deems physically unable to perform the labor at which they may be employed, and shall have the power to prohibit the employment of any child that can not obtain such certificate.

Operating elevator, etc. SEC. 3. No person, firm or corporation shall employ or permit any child under the age of sixteen years to have the care, custody, management of, or to operate any elevator, nor shall any person under sixteen years of age be employed at sewing belts or [to] assist in sewing belts.

Cleaning moving machinery. SEC. 4. * * * No person under eighteen years of age shall be allowed to clean machinery while in motion.

Wash rooms, etc. SEC. 5. Suitable and proper wash rooms and water-closets shall be provided in each manufacturing establishment, and such water-closets shall be properly screened and ventilated and be kept at all times in a clean condition; and if women and girls are employed in any such establishment, the water-closets shall have separate approaches and be separate and apart from those used by men. All closets shall be kept free [from] obscene writing and marking. A dressing room shall be provided for women and girls when required by the labor inspector in any manufacturing establishment in which women and girls are employed.

Seats for females. SEC. 6. Every person, firm, corporation, association, individual or partnership employing girls or adult women in any manufacturing, mechanical or mercantile industry, laundry, workshop, renovating works or printing office in this Commonwealth shall provide seats for the use of the girls and women so employed, and shall permit the use of such by them when not necessarily engaged in the active duties for which they are employed.

Enforcement. SEC. 8. The grand jury shall have inquisitorial powers to investigate violations of this act, and judges of the circuit courts of the

State shall specially charge the grand jury at the beginning of each term of the court to investigate violations of this act.

Definition.

SEC. 9. The words "manufacturing establishment," wherever used in this act, shall be construed to mean any mill, factory or workshop where labor is employed.

Act to be posted.

SEC. 10. A copy of this act shall be conspicuously posted and kept posted in each workroom of every manufacturing establishment, mill, mine or workshop in this Commonwealth.

Penalty.

SEC. 11. Any person who violates any of the provisions of this act, or who suffers or permits any child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor and, on conviction, shall be punished by a fine of not more than fifty dollars for the first offense and not more than two hundred dollars for the second offense.

Application of law.

SEC. 12. The provisions of this act shall not apply to the handling of fruits and vegetables in season, and the delivery of tobacco at the warehouses, and preparing same for the manufacturer.

LOUISIANA.

REVISED LAWS, 1897

Employment of women in saloons, etc.

(Page 232. Act No. 43, Acts of 1894.)

Employment prohibited.

SECTION 1. No owner, proprietor, keeper, lessee or agent, manager or conductor of any concert hall or saloon where spirituous liquors, wines or malt are sold at retail, shall employ or suffer to be employed any female to distribute or appear among the audience or frequenters of such concert hall or saloon for the purpose of distributing or selling or taking orders to be filled, any such spirituous liquors, wines or malt and any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and, on conviction shall be imprisoned in the parish jail not less than thirty days nor more than three months and a fine of not less than fifty nor more than one hundred dollars for each and every offense.

Children operating or cleaning machinery.

(Page 516. Act No. 60, Acts of 1892.)

Operating or cleaning moving machinery.

SECTION 1. No child under the age of twelve years shall be permitted to operate or clean any part of the machinery in a factory while such part is in motion by the aid of steam, water or other mechanical power, or to clean any part of such machinery that is in dangerous proximity to such moving part.

Penalty.

SEC. 2. Whoever, either for himself, or superintendent, foreman, overseer or other agent of another, violates the provisions of the preceding section, shall be punished by a fine of not less than ten nor more than twenty-five dollars, or shall be subject to imprisonment for a term not exceeding thirty days, or both at the discretion of the court for each offense.

Certain employments of children forbidden.

(Page 516. Act No. 59, Acts of 1892.)

Acrobatic, etc., occupations.

SECTION 1. Any person who employs or exhibits or gives away for the purpose of employing or exhibiting a child under fifteen years of age, for the purpose of walking on a wire or rope, or riding or performing as a gymnast, contortionist or acrobat in any circus or theatrical exhibition or in any public place whatsoever or who causes, procures or encourages any such child to engage therein, shall be punished by a fine, by any committing magistrate, of not less than ten dollars, nor more than twenty-

five dollars or shall be subject to a term of imprisonment not exceeding thirty days or both at the discretion of the court.

License to be withheld.

SEC. 2. No license shall be granted for a theatrical exhibition or public show in which children under fifteen years age are employed or [as] contortionists, acrobats, or in any feats of gymnast or equestrianism or where in the opinion of the mayor of a city or town authorized to grant licenses, such children are employed in such a manner as to corrupt their morals or impair their physical health.

ACTS OF 1900.

ACT No. 55.—*Employment of women.*

Time for lunch.

SECTION 2. Hereafter all persons, firms or corporations doing business at retail in the State of Louisiana where female labor or female clerks are employed, shall be required to give every employee each day, between the hours of ten (10) a. m. and three (3) p. m. not less than thirty (30) minutes for lunch or recreation.

Penalty.

SEC. 3. Whoever shall be found guilty of evading or disobeying any of the provisions of this act, shall be deemed guilty of a misdemeanor, and upon arrest and conviction therefor shall be fined in a sum of not less than twenty-five ($25) dollars nor more than one hundred ($100) dollars, and in default of the payment thereof shall be sentenced to imprisonment for a period not less than five (5) days nor more than six (6) months.

ACTS OF 1904.

ACT No. 178.—*Employment of wives and children while men live in idleness.*

Who are vagrants.

SECTION 1. The several municipal corporations throughout the State shall adopt ordinances declaring vagrants, and punishing as such, * * * (all persons able to work who do not work) but who live upon the wages or personal earnings of their wives or of their minor children; * * *

ACTS OF 1906.

ACT. No. 34.—*Employment of women and children—Inspection of factories, etc.*

Age limit.

SECTION 1. No boy under the age of twelve years, and no girl under the age of fourteen years, shall be employed in any factory, mill, warehouse, workshop, or manufacturing establishment where the manufacture of any goods whatever is carried on, or where any goods are prepared for manufacturing.

Hours of labor.

SEC. 2. No child or person under the age of eighteen years, and no woman, shall be employed in any factory, mill, warehouse, workshop, clothing, dressmaking or millinery establishment, or any place where the manufacture of any kind of goods is carried on, or where any goods are prepared for manufacturing, for a period longer than an average of ten hours in a day, or sixty hours in any week, and at least one hour shall be allowed in the labor period of each day for dinner.

Seats to be provided.

SEC. 3. Every person who shall employ any female in any factory, mill, warehouse, manufacturing establishment, workshop, or store, shall provide suitable seats, chairs, or benches, for the use of the females so employed, which shall be so placed as to be accessible to said employees, and shall permit the use of such seats, chairs or benches by them when they are not necessarily engaged in the active duties for which they are employed.

Dressing rooms, etc.

SEC. 4. Every factory, mill, manufacturing establishment, workshop, warehouse or store in which five or more persons are employed, and every such institution in which two or more children, young persons, or women, are employed, shall be supplied with proper wash and dressing rooms, and kept in a cleanly state and

free from effluvia arising from any drain, privy, or other nuisance, and shall be provided, within reasonable access, with a sufficient number of proper water-closets, earth closets or privies, for the reasonable use of the persons employed therein, at least one of such closets for each twenty-five persons employed, and wherever two or more persons, and one or more female persons, are employed as aforesaid, a sufficient number of separate and distinct water-closets, earth closets or privies, shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use any such closet or privy assigned to persons of the other sex.

Stairways and doors.

SEC. 5. Stairways with substantial hand rails shall be provided in factories, mills, and manufacturing establishments, for the better safety of persons employed in said establishments. Wherever practicable the doors of such establishments shall swing outwardly, or slide, as ordered by the factory inspector, and it shall be neither locked, bolted, or fastened during working hours.

Inspector.

SEC. 6. In incorporated cities and towns the mayor, with the consent of the council, and in parishes the police jury, shall appoint a factory inspector, who may be either male or female, to see that the regulations of this act are observed, and also to prosecute all persons who shall violate the same. Such inspector shall be paid a salary of not more than seven hundred and fifty dollars ($750) per annum. Said factory inspectors are hereby empowered to visit and inspect, at all reasonable hours, the factories, mills, manufacturing establishments, workshops and other establishments in this State, where the manufacture of goods is carried on, and all stores employing ten or more persons. It shall also be the duty of the factory inspectors to enforce all the provisions of this act, and to prosecute for all violations of the same before any magistrate, in any court of competent jurisdiction in this State, in the city or town, in which the said inspector is appointed and in which he exercises his powers.

Penalty.

SEC. 7. Any person who shall violate any of the provisions of this act shall be deemed guilty of an offense for each violation thereof, and upon conviction for the same, shall be punished by a fine of not less than ten nor more than twenty-five dollars, or by imprisonment in the parish jail (parish prison in New Orleans) not more than thirty days, or both, in the discretion of the court.

"Person" defined.

SEC. 9. The word "person" wherever used in this act shall be deemed to mean firms and corporations as well as individuals.

Application of law.

SEC. 11. This act shall apply only to cities and towns in this State having a population of ten thousand or more persons and shall take effect from and after January 1st, 1907. Nothing contained in this act shall be construed to apply to domestic or agricultural laborers or industries.

MAINE.

REVISED STATUTES OF 1903.

CHAPTER 40.—*Employment of women and children.*

Hours of labor.

SECTION 48. No female minor under eighteen years of age, no male minor under sixteen years of age, and no woman shall be employed in laboring in any manufacturing or mechanical establishment in the State, more than ten hours in any one day, except when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed sixty in a week; and no male person sixteen years and over shall be so employed as above, more than ten hours a day during minority, unless he voluntarily contracts to do so with the consent of his parents, or one of them, if any, or guardian, and in such case he shall receive extra com-

Proviso.

pensation for his services: *Provided, however*, That any female of eighteen years of age or over, may lawfully contract for such labor for any number of hours in excess of ten hours a day, not exceeding six hours in any one week or sixty hours in any one year, receiving additional compensation therefor; but during her minority, the consent of her parents, or one of them, or guardian, shall be first obtained.

Time schedule to be posted.

SEC. 49. Every employer shall post in a conspicuous place in every room where such persons are employed, a notice printed in plain, large type, stating the number of hours' work required of them on each day of the week, the exact time for commencing work in the morning, stopping at noon for dinner, commencing after dinner, and stopping at night; the form of such printed notice shall be furnished by the inspector of factories, workshops, mines and quarries, and shall be approved by the attorney-general. And the employment of any such person for a longer time in any day than that so stated, shall be deemed a violation of the preceding section, unless it appears that such employment is to make up for time lost on some previous day of the same week, in consequence of the stopping of machinery upon which such person was employed or dependent for employment.

Penalty.

SEC. 50. Whoever, either for himself, or as superintendent, overseer or agent of another, employs or has in his employment any person in violation of the provisions of section forty-eight, and every parent or guardian who permits any minor to be so employed, shall be punished by a fine of not less than twenty-five, nor more than fifty dollars for each offense. A certificate of the age of a minor made by him and by his parent or guardian at the time of his employment, shall be conclusive evidence of his age in behalf of the hirer, upon any prosecution for a violation of the provisions of section forty-eight. Whoever falsely makes and utters such a certificate with an intention to evade the provisions of this chapter relating to the employment of minors, shall be subject to a fine of one hundred dollars.

Age limit.

SEC. 52 (as amended by chapter 46, Acts of 1907). No child under fourteen years of age, shall be employed in any manufacturing or mechanical establishment in the State. Whoever, either for himself, or as superintendent, overseer or agent of another, employs or has in his employment any child in violation of the provisions of this section, shall be punished by a fine of not less than twenty-five, nor more than fifty dollars for each offense.

Certificate.

SEC. 53 (as amended by chapter 46, Acts of 1907). Any child over fourteen years of age, and under sixteen years of age, applying for employment in any manufacturing or mechanical establishment in this State, or any person applying in his behalf, shall produce and present to the owner, superintendent or overseer of such establishment a certified copy of the town clerk's record of the birth of such child, or a certified copy of his baptismal record showing the date of his birth, or his passport showing said date of birth, and without the production and presentation of said town record, baptismal record or passport, such child shall not receive the employment applied for. The employer shall retain such town record, baptismal record or passport and shall issue to such child a certificate containing the name of the child, the name of his parents, if living, or guardian, if any, with the residence of said child, parent or guardian, and such other facts as may be required by the inspector of factories, workshops, mines and quarries, which certificate shall be furnished in blank by said inspector and shall be approved as to form by the attorney-general. The employer shall furnish to said inspector a copy of each certificate thus issued immediately after the issuance of the original, which copy shall be retained by the inspector upon a file prepared for that purpose. When such child leaves such employment the employer shall return to such child the copy of town record, baptismal record or passport furnished by him as aforesaid and shall immediately notify said inspector that such child has left his employment, and the date of such leaving. The inspector of fac-

tories, workshops, mines and quarries, or either of his assistants, may demand the names of the children under sixteen years of age employed in such establishment, in the several cities and towns of the State, and may require that the certificates of age prescribed in this section, shall be produced for his inspection, and a failure to produce the same, shall be prima facie evidence that the employment of such child is illegal.

Penalties.

SEC. 54 (as amended by chapter 46, Acts of 1907). The penalties provided by section fifty-two of this chapter shall apply to all provisions of section fifty-three. It shall be the duty of the inspector of factories, workshops, mines and quarries, and of his assistants to investigate and prosecute all violations of the provisions of the two preceding sections.

Application of law.

SEC. 55 (as amended by chapter 46, Acts of 1907). Nothing in the seven preceding sections shall apply to any manufacturing establishment or business, the materials and products of which are perishable and require immediate labor thereon, to prevent decay thereof or damage thereto: *Provided, however,* The employment of children therein shall be under the supervision of said inspector who shall on complaint investigate the sanitary conditions, hours of labor and other conditions detrimental to children and if in his judgment he finds detrimental conditions to exist, he may, in conjunction with the municipal officers of the town or city of which the complaint is made, prohibit the employment of children therein until such conditions are removed.

CHAPTER 63.—*Earnings of married women.*

Earnings separate property.

SECTION 3. She [a married woman] may receive the wages of her personal labor, not performed for her own family, maintain an action therefor in her own name, and hold them in her own right against her husband or any other person.

ACTS OF 1905.

CHAPTER 123.—*Certain employments of children forbidden.*

Mendicant, immoral, etc., occupations.

SECTION 9. No person shall employ or cause to be employed, exhibit, use or have in custody, or train for use, employment or exhibition, any child under sixteen years of age, and no parent, guardian or other person, having care, custody and control of such child, shall procure or permit the training, use, employment o exhibition of any such child, in begging or soliciting or receiving alms in any manner or under any pretense, or in any illegal, indecent or immoral exhibition or practice, or in any exhibition of any such child when insane or idiotic, or when possessing any deformity and unnatural physical formation, or in any practice, exhibition or place dangerous or injurious to the life, limb, health or morals of such child. Whoever offends against the provisions of this section shall be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding sixty days.

MARYLAND.

CODE OF PUBLIC GENERAL LAWS, 1903.

ARTICLE 27.—*Seats for female employees.*

Seats to be provided.

SECTION 147A (as amended by chapter 287, Acts of 1904). All proprietors or owners of any retail, jobbing or wholesale dry goods store, notion, millinery or any other business where any female salespeople or other female help are employed for the purpose of serving the public, shall provide a chair or stool for each one of such female help, in order that when they are not actively engaged in making sales or taking stock or in performing such other duties as they may have been engaged to perform, they shall have

an opportunity to rest, and they shall not be forbidden to avail themselves of such opportunity. Any such owner or proprietor who shall neglect or refuse to obey the provisions of this section shall be considered to have committed a misdemeanor, and shall, upon conviction thereof, be fined in an amount not less than ten dollars nor more than one hundred dollars for the first offense; and in the event that such proprietor or owner shall continue to disobey the provisions of this section, he shall be subject to a fine at the rate of one dollar a day, daily, for every chair or stool he fails to so furnish his said employees. It shall be the duty of the board or department of health or health commissioner or commissioners of the cities and towns in the State to cause this section to be enforced, and whenever any of its provisions are violated, to cause all violators thereof to be prosecuted, and for that purpose the health commissioner or commissioners and the officer or officers of the board of health of every city and town in the State, or the inspectors thereof, or any other persons designated by such board of health or health commissioner or commissioners are authorized and empowered to visit and inspect at all reasonable hours and as often as shall be practicable and necessary all mercantile establishments in the city or town in which the office of the said board or department of health or health commissioner or commissioners is situated, and it shall be unlawful for any person to interfere with or obstruct any such inspecting official while in performance of his or her duties or to refuse to properly and truthfully answer questions made pertinent by this section when asked by such inspecting official.

ARTICLE 27.—*Hours of labor of children—Certain employments forbidden—Employment of women as waiters.*

Hours of labor.

SECTION 217. No child under sixteen years of age shall be employed in laboring more than ten hours a day in any manufacturing business or factory established in any part of the State, or in any mercantile business in the city of Baltimore.

Misdemeanor.

SEC. 218. Any person who shall so employ a child or suffer or permit such employment shall be guilty of a misdemeanor.

Definition.

SEC. 219. The word "suffer or permit," includes every act or omission whereby it becomes possible for the child to engage in such labor.

Acrobatic, mendicant, etc., occupations.

SEC. 309. Any person having in his custody or control a child under the age of fourteen years who shall in any way dispose of it with a view to its being employed as an acrobat, or a gymnast, or a contortionist, or a circus rider, or a ropewalker, or in any exhibition of like dangerous character, or as a beggar or mendicant, or street singer, or street musician, and any person who shall take, receive, hire, employ, use, exhibit or have in custody any child under the age last named for any of the purposes herein enumerated shall be deemed guilty of a misdemeanor and when convicted thereof shall be subject to punishment by fine of not more than one hundred dollars, or by imprisonment for a term not exceeding ninety days in jail, or both.

[See section 398, below.]

Employment in saloons, etc.

SEC. 311. No person shall employ a minor under sixteen years of age in handling intoxicating liquors, or in handling packages containing intoxicating liquors, in any brewery or bottling establishment where intoxicating liquors are prepared for sale or offered for sale.

Penalty.

SEC. 312. Whoever violates the provisions of section 311, shall be guilty of a misdemeanor, and on conviction thereof shall in the discretion of the court be fined a sum not less than ten dollars nor more than one hundred dollars, or be imprisoned in jail for not less than five nor more than thirty days, in default of payment of said fine.

Peddling, etc.

SEC. 313. No person engaged in performing upon any musical instrument in, upon or near to any street, lane, alley or highway, or engaged in selling, vending or disposing of any goods, wares or

merchandise in, upon or near to any street, lane, alley or highway, or engaged in any business, occupation or calling in, upon or near to any street, lane, alley or highway, and not having a fixed store, shop or place of business at which so engaged, shall have in his possession or company while so engaged, any boy or girl under the age of eight years; and any person violating the provisions of this section shall be punished by a fine not exceeding ten dollars for each and every such offense.

Employment of women in theaters, etc.

SEC. 371. It shall not be lawful for any proprietor, lessee or manager of any theater, museum or other place of amusement to employ women or girls as waiters, or to permit them to act in such theater or place of amusement, or among the audience or frequenters of such theater or place of amusement as waiters, or for the purpose or under the pretense of selling, serving, receiving orders or pay for spirituous or malt liquors, wines, lager beer or any other refreshments or merchandise.

Mendicant, etc., occupations.

SEC. 398. Any person having in his care, custody or control any child under the age of sixteen years, whether as parent, guardian, relative, employer or otherwise, who shall sell, apprentice or give away, let out or otherwise dispose of any such child to any person under any name, title or pretense whatever, and any person, whether as parent, guardian, relative, employer or otherwise, who shall take, receive, hire, employ, use or have in custody any such child for the vocation, use, occupation, calling, service or purpose of singing, playing on musical instruments, rope walking, dancing, peddling, begging or any mendicant or wandering business whatsoever shall be deemed guilty of a misdemeanor, and upon conviction thereof before any competent tribunal to which such person may be committed for trial, shall be fined not less than fifty nor more than two hundred and fifty dollars, or be imprisoned in a county jail for not less than thirty days nor more than a year, or suffer both such fine and imprisonment in the discretion of the said tribunal; one-half of all fines so imposed to be paid to the informer.

[See section 309, above.]

ARTICLE 45.—*Earnings of married women.*

Earnings separate property.

SECTION 1. * * * All the property which she [a married woman] may acquire or receive after her marriage, * * * by her own skill, labor or personal exertions, * * * shall be protected from the debts of the husband, and not in any way be liable for the payment thereof; * * *

ARTICLE 56.—*Employment of minors in barrooms.*

Employment prohibited.

SECTION 97. It shall not be lawful for any person, or for any club or association, or for any corporation now formed or hereafter to be formed, or for any officer, agent or employee of any such club, association or corporation, to hire or employ any minor to sell or dispense anywhere in the State any beer or spirituous or fermented liquors of any kind at retail, where such beer or liquors are to be drunk upon the premises. Any person violating any provision of this section shall upon conviction be fined a sum not exceeding one hundred dollars.

ARTICLE 77.—*Employment of children—Allegany County and Baltimore City.*

Certificates of age.

SECTION 160. No proprietor or owner of any mill or factory in Allegany County or the city of Baltimore, other than establishments for manufacturing canned goods, or manager, agent, foreman or other person in charge thereof, shall employ or retain in employment in any such mill or factory any person or persons under sixteen years of age, unless he procures at the time of such

employment or retention in employment, and keeps on file and accessible to the attendance officers of said city or county where such minor is employed, a certificate of the principal or head teacher of the school which such child last attended, stating that such child is more than twelve years of age, and a like certificate of the parent or guardian, or other person having control of such child; but the first named certificate need not be procured if such child has not attended school in this State. He shall require such certificates, shall keep them in his place of business during the time the child is in his employment, and shall show the same during his business hours to any attendance officer who may demand to see them, or either of them; and for each failure to comply with any of the provisions of this section he shall be guilty of a misdemeanor, and shall be fined not exceeding one hundred dollars. Whoever continues to employ any such child under sixteen years of age, in violation of this section, after being notified of such violation by an attendance officer, shall for every day thereafter that such unlawful employment continues be fined not less than five nor more than twenty dollars, in addition to other penalties prescribed by this section for such offenses. A failure to produce on demand to an attendance officer any certificate required by this section shall be prima facie evidence that the child, who is or should have been mentioned in the said certificate, is thus unlawfully employed.

Age limit.

Duty of parents, etc.

SEC. 161. It shall be the duty of every parent, guardian or other person having control of a child under sixteen years of age, and of every principal or head teacher of said school where such child last attended, to furnish every employer of such child the certificates required by the preceding section. Such certificates, if in substantial conformity with the requirements of that section, shall be prima facie evidence of the facts required to be certified to as therein provided.

False statements.

SEC. 162. Any parent or guardian or other person having control of a child, or principal or head teacher who shall make any willfully false statement respecting any of the facts required to be certified to as provided in sections 160 and 161 of this subtitle, shall be deemed guilty of a misdemeanor, and shall be fined not more than fifty dollars, or to [sic] be imprisoned not more than thirty days, or suffer both fine and imprisonment in the discretion of the court.

Illiterates.

SEC. 163. No person shall employ any minor over twelve and less than sixteen years of age, and no parent, guardian or other person having control of a child, shall permit to be employed or retained in employment any such minor under his control, if the said minor can not read at sight and write legibly simple sentences in the English language while a public evening school is maintained in the city or election district or precinct in which such minor resides, unless such minor is a regular attendant at an evening or other school: *Provided*, That upon presentation by such minor of a certificate signed by a regular practicing physician, and satisfactory to such officer or officers as the school commissioners for such county or city may designate, showing that the physical condition of such minor would render such attendance, in addition to daily labor prejudicial to health, said officer or officers so designated may issue a permit authorizing the employment of such minor for such period and upon such conditions as said officer or officers so designated as aforesaid may determine. Any person who employs or retains in employment a minor in violation of the provisions of this section shall be deemed guilty of a misdemeanor and be fined for each offense not more than one hundred dollars, which fines shall be paid to the school commissioners for use in supporting evening schools in such city or county. Any parent, guardian or other person having control of a child, who permits to be employed any minor under his control in violation of the provisions of this section, shall be deemed guilty of a misdemeanor and be fined not more than twenty dollars, which fines shall be also paid to the

school commissioners for use in supporting evening schools in such city and county.

Enforcement.

SEC. 164. In said city or county where attendance officers may have been appointed, it shall be the duty of the school commissioners to designate an attendance officer, who shall once or more frequently in every year examine into the situation of the children employed in such mills and factories in said city or county, and to ascertain whether all the provisions of this subtitle are duly observed and report all violations thereof to the grand jury of the said city or county.

Duties of officers.

SEC. 165. Attendance officers may visit all establishments where minors are employed in said city or county and ascertain whether any minors are employed therein contrary to the provisions of this subtitle. Attendance officers may require that the certificates provided for in this subtitle of minors employed in such establishments shall be produced for their inspection.

Penalty.

SEC. 166. Any person violating any provision of sections 152–165, where no special provision as to the penalty for such violation is made shall be deemed guilty of a misdemeanor, and be fined not exceeding fifty dollars for each offense. Sections 152–166 are restricted to Baltimore City and Allegany County.

ARTICLE 100.—*Hours of labor—Cotton and woolen manufactures.*

Ten hours a day's work.

SECTION 1. No corporation or manufacturing company engaged in manufacturing either cotton or woolen yarns, fabrics or domestics of any kind, incorporated under the laws of this State, and no officer, agent or servant of such named corporation or manufacturing company, and no person or firm owning or operating such corporation or manufacturing company within the limits of this State, and no agent or servant of such firm or person shall require, permit or suffer its, his or their employees in its, his or their service, or under his, its or their control, to work for more than ten hours during each or any day of twenty-four hours for one full day's work and shall make no contract or agreement with such employees or any of them: *Provided*, That they or he shall work for more than ten hours for one day's work during each or any day of twenty-four hours and said ten hours shall constitute one full day's work.

Male adult employees.

SEC. 2. Any such named corporation or manufacturing company within the limits of this State shall be allowed, under the provisions of this section, the privilege of working male employees, over the age of twenty-one years over the limit of ten hours for the express purpose only of making repairs and improvements and getting fires made, steam up and the machinery ready for use in their works, which can not be done during the limits of the ten hours; the extra compensation for all such work to be settled between such corporation and manufacturing companies and the employees: *Provided*, That nothing in this article shall be so construed as to prohibit any employer from making a contract with his male employees, over the age of twenty-one years, to work by the hour for such time as may be agreed upon.

Penalty.

SEC. 3. If any such corporation or manufacturing company within the limits of this State, or any officer, agent or servant of such corporation or manufacturing company in this State shall do any act in violation of any of the provisions of this article he or they shall be deemed to have been guilty of misdemeanor and shall, on conviction thereof in a court of competent jurisdiction, be fined not less than one hundred dollars for each and every offense so committed, together with the cost of such prosecution, * * *

ARTICLE 100.—*Employment of children—Age limit.*

Age limit.

SECTION 4 (as amended by chapter 192, Acts of 1906). No proprietor, owner, superintendent, manager, or foreman, or other subordinate or agent of any mill, factory, workshop, office, res-

taurant, hotel, apartment house, store, telephone or telegraph office, or other establishment or business shall, after the first day of September, in the year 1906, employ for wages or hire, or retain in employment in any such mill, factory, workshop, office, restaurant, hotel, apartment house, store, telephone or telegraph office, or other establishment or business, any person or persons under twelve (12) years of age, except in the counties, from June 1st to October 15th, in every year.

Exception.

Permits.

SEC. 5 (added by chapter 192, Acts of 1906). No child between the age of twelve (12) and sixteen (16) shall be employed, permitted or suffered to work in any offices, establishment or business mentioned in the preceding section unless the person or corporation employing him or her produces and keeps on file and accessible to the inspectors authorized by this act and the attendance officer of the public schools, an employment permit, and keep a complete list of all such children employed therein on file, and in the case of children employed in factories, workshops, mills or messenger service, a duplicate of said list shall be conspicuously posted near the principal entrance of the building in which such children are employed.

By whom issued.

SEC. 6 (added by chapter 192, Acts of 1906). The employment permit for all employments in Baltimore City under the provisions of this act shall be issued by the Maryland Bureau of Statistics and Information, and for employment in other cities or in the counties of this State, by any member of the board of health or principal health officer of the city or county in which the employment is sought.

Evidence.

SEC. 7 (added by chapter 192, Acts of 1906). The employment permit shall not be issued unless satisfactory evidence is furnished by duly attested transcript of the certificate of birth or baptism of such child, or other religious records, or the register of birth, or the affidavit of the parent or guardian or custodian of the child, which latter affidavit shall be required, however, only in case it is certified by the proper authorities that the birth certificate showing the place and date of birth of such child is not on record, which affidavit must be taken before the officer issuing the employment permit, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor.

SEC. 8 (added by chapter 192, Acts of 1906). The employment permit shall read as follows:

EMPLOYMENT PERMIT.

Certificate.

The birth certificate giving the name, date and place of ——— ——— (name of child) is attached hereto. (If there be no birth certificate, then a certificate to that effect, *i. e.*, that there is none from the proper authorities of the city or county where said child was born, shall be attached.) This certifies that I am the ——— father, mother, guardian or custodian of ——— ——— (name of child) and that (he or she) was born at ——— (name of town or city) in the county of ——— (name of county) and State of ———, on the —— day of ———, in year ——, and is now ——— —— (number of years and months) old. Signature of (father, mother, guardian or ——— custodian.)

Signature of ——— child.

(Date.)

There personally appeared before me the above-named (name of father, mother, guardian or custodian of) and made oath that the aforegoing certificate by (him or her) signed, is true to the best of (his or her) knowledge and belief.

I hereby approve the foregoing certificate of (name of child), height (feet and inches), eyes (color), complexion (fair or dark), hair (color); having no sufficient reason to doubt that (he or she) is of the age therein certified I hereby certify that (he or she) can read at sight and write legibly simple sentences in the English language, and that (he or she) has reached the normal development of a child of (his or her) age, and is in sound health and is

physically able to perform the work which (he or she) intends to do.

This certificate belongs to (name of child in whose behalf it is drawn) and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same; but if not claimed by said child within thirty days from such time it shall be returned to the Maryland Bureau of Statistics and Information (if the employment be in Baltimore City) or the board of health or principal health officer of (if the employment be in any of the counties or other cities outside of Baltimore City).

Signature of (person authorized to prove and sign with official character or authority.)

Date ——— ——.

A duplicate of each employment permit shall be filled out and kept on file by the Maryland Bureau of Statistics and Information or board of health or principal health officer of the county or city outside of Baltimore City, as the case may be.

Penalty.

SEC. 9 (added by chapter 192, Acts of 1906). Whoever employs a child in violation of the provisions of this act, and whoever having under his or her control a child, permits such child to be employed in violation of the provisions of this act, shall for such offense be fined not less than five (5) nor more than fifty ($50) dollars, and whoever continues to employ any child in violation of the provisions of this act, after being notified by an inspector authorized by this act or an attendance officer of the public schools, shall for every day thereafter that such employment continues be fined not less than five (5) nor more than twenty ($20) dollars. A failure to produce to an inspector authorized by this act or an attendance officer of the public schools any employment permit or list required by this act shall be prima facie evidence of illegal employment of any person whose employment permit is not produced, or whose name is not so listed. Any corporation or employer retaining any employment permit in violation of the provisions of this act shall be fined ten ($10) dollars. Every person authorized to sign the employment permit prescribed in this act who knowingly certifies to any materially false statement therein shall be fined not more than fifty ($50) dollars. The chief of the Maryland Bureau of Statistics and Information or any member of the board of health or principal health officer of any county or city outside of Baltimore City is hereby authorized to sign the employment permit mentioned herein and to administer the necessary oath without cost to the applicant.

Enforcement.

SEC. 10 (added by chapter 192, Acts of 1906). The inspectors authorized by this act and the attendance officers of the public schools may visit any officer, establishment or place of business contemplated by this act throughout the State of Maryland and city of Baltimore and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment or other violations of this act to the justice of the peace having criminal jurisdiction in the locality where such illegal employment or other violations of this act occur, and which justices of the peace shall have full authority to try and determine all cases arising under this act. Inspectors authorized by this act, and the attendance officers of the public schools may require that the employment permits and lists provided for in this act of minors employed in any such office, establishment or business, shall be produced for their inspection. They shall also be authorized to require a birth certificate or other record evidence of the date of birth of any child, which they have reason to believe is being employed contrary to the provisions of this act, to be produced by either parents, guardian or custodian of said child, and in the absence of such record evidence of the date of birth of such child, they may require an affidavit from either parent, guardian or custodian of such child as to its age, name, place and date of birth.

Farm labor.

SEC. 12 (added by chapter 192, Acts of 1906). This act shall not include farm labor.

CODE OF PUBLIC LOCAL LAWS, 1888.

ARTICLE 1.—*Employment of women and children in mines.*

Employment prohibited.

SECTION 209n (added by chapter 124, Acts of 1902). Subsec. H. No person under the age of twelve years, or female of any age, shall be permitted to enter any mine to work therein; nor shall any boy under the age of fourteen years, unless he can read and write, be allowed to work in any mine. And the mine boss shall see that this requirement is fully met.

ARTICLE 4.—*Seats for female employees—Baltimore.*

Seats to be provided.

SECTION 505 (as amended by chapter 589, Acts of 1900). Every employer of females and mercantile or manufacturing establishment in the city of Baltimore must provide and maintain suitable seats for the use of such employees. A person is deemed not to maintain suitable seats for the use of female employees unless he permits the use thereof by such employees to such extent as may be reasonable for the preservation of health and proper rest, and the question of what is thus reasonable is one for determination by the jury or the court acting as a jury in any prosecution hereunder.

Penalty.

SEC. 506 (Revision of 1898: Chapter 123, Acts of 1898). Any violation of the preceding section by any employer shall be deemed a misdemeanor, and shall be punishable by a fine of one hundred and fifty dollars, to be collected as other fines are collected.

MASSACHUSETTS.

REVISED LAWS OF 1902.

CHAPTER 44.—*Employment of children unlawfully absent from school.*

School attendance.

SECTION 1 (as amended by chapter 320, Acts of 1905, and chapter 383, Acts of 1906). Every child between seven and fourteen years of age, and every child under sixteen years of age who can not read at sight and write legibly simple sentences in the English language, shall attend some public day school in the city or town in which he resides during the entire time the public day schools are in session, subject to such exceptions as to children, places of attendance and schools as are provided for in section three of chapter forty-two and sections three, five and six of this chapter [relating to towns having no high school, to attendance and place of residence, and to exclusion on account of contagious diseases]. The superintendent of schools or, if there is no superintendent of schools, the school committee, or teachers acting under authority of said superintendent or committee, may excuse cases of necessary absence. The attendance of a child upon a public day school shall not be required if he has attended for a like period of time a private day school approved by the school committee of such city or town in accordance with the provisions of the following section, or if he has been otherwise instructed for a like period of time in the branches of learning required by law to be taught in the public schools, or if he has already acquired such branches of learning, or if his physical or mental conditon is such as to render such attendance inexpedient or impracticable. Every person having under his control a child as described in this section shall cause him to attend school as herein required; and if he fails for five day sessions or ten half-day sessions within any period of six months while under such control to cause such child, whose physical or mental conditon is not such as to render his attendance at school harmful or impracticable, so to attend school, he shall, upon complaint by a truant officer and conviction thereof, be punished by a fine of not more than twenty dollars: *Provided, however*, That no physical or mental condition which is capable

Proviso.

of correction, or which renders the child a fit subject for special instruction at public charge in institutions other than the public day schools, shall avail as a defense under the provisions of this section unless it shall be made to appear that the defendant has employed all reasonable measures for the correction of the condition, or the suitable instruction of the child. Whoever induces or attempts to induce a child to absent himself unlawfully from school, or employs or harbors a child who, while school is in session, is absent unlawfully from school shall be punished by a fine of not more than fifty dollars.

CHAPTER 65.—*Employment of children in street trades.*

SECTION 17 (as amended by chapter 151, Acts of 1906). The mayor and aldermen or selectmen may make regulations relative to the exercise of the trade of bootblacking by minors and to the sale by minors of any goods, wares or merchandise the sale of which is permitted by section fifteen, and may prohibit such sales or such trade, or may require a minor to obtain from them a license therefor to be issued on terms and conditions prescribed in such regulations: *Provided*, That in the case of persons under the age of fourteen years in the cities of the Commonwealth the foregoing powers shall be vested in and exercised by the school committees of said cities. A minor who sells such articles or exercises such trade without a license if one is required or who violates the conditions of his license or any of the provisions of said regulations shall be punished by a fine of not more than ten dollars for each offense. Bootblacks, etc.

CHAPTER 100.—*Employment of minors in barrooms, etc.*

SECTION 60. Whoever, being the holder of a license for the sale of intoxicating liquors to be drunk on the premises, employs any person under the age of eighteen years to serve such liquors to be drunk on the premises shall be punished by a fine of not more than one hundred dollars. Employment in saloons.

SEC. 61. Whoever employs a minor under the age of eighteen years in handling intoxicating liquors or packages containing such liquors in a brewery or bottling establishment in which such liquors are prepared for sale or offered for sale shall, for each offense, be punished by a fine of not less than fifty dollars or by imprisonment for not less than three months, or by both such fine and imprisonment. The provisions of this section shall not prohibit the employment of minors in drug stores. Employment in breweries, etc.

CHAPTER 106.—*Employment of women and children.*

SECTION 8. The following words and phrases as used in all laws relative to the employment of labor shall, unless a different meaning is plainly required by the context, have the following meanings: Definitions.

"Bleaching works" shall mean any premises in which the process of bleaching yarn or cloth of any material is carried on.

"Dyeing works" shall mean any premises in which the process of dyeing yarn or cloth of any material is carried on.

"Factory" shall mean any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on.

"Glass works" shall mean any premises in which the manufacture of glass is carried on.

"Iron works" shall mean a mill, forge or other premises in or upon which any process is carried on for converting iron into malleable iron, steel or tin plate, or for otherwise making or converting steel.

"Letterpress establishments" shall mean any premises in which the process of letterpress printing is carried on.

"Mercantile establishments" shall mean any premises used for the purposes of trade in the purchase or sale of any goods or merchandise, and any premises used for the purposes of a restaurant or for publicly providing and serving meals.

"Paper mills" shall mean any premises in which the manufacture of paper is carried on.

"Person" shall mean an individual, corporation, partnership, company or association.

"Print works" shall mean any premises in which is carried on the process of printing figures, patterns or designs upon cotton, linen, woolen, worsted or silken yarn or cloth, or upon any woven or felted fabric which is not paper.

"Public building" shall mean any building or premises used as a place of public entertainment, instruction, resort or assemblage.

"School house" shall mean any building or premises in which public or private instruction is afforded to not less than ten pupils at one time.

"Woman" shall mean a woman eighteen years of age or over.

"Workshop" shall mean any premises, room or place, which is not a factory as above defined, wherein manual labor is exercised by way of trade or for purposes of gain in or incidental to a process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, room or place the employer of the persons working therein has the right of access or control; but the exercise of such manual labor in a private house or private room by the family dwelling therein or by any of them or, if a majority of the persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition.

"Young person" shall mean a person of the age of fourteen years and under the age of eighteen years.

Hours of labor in mercantile establishments;

SEC. 23 (as amended by chapter 397, Acts of 1904). No child under eighteen years of age and no woman shall be employed in laboring in a mercantile establishment more than fifty-eight hours in a week. Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work which are required of them on each day of the week, the hours of commencing and stopping such work, and the hour when the time or times allowed for dinner or other meals begin and end. The printed form of such notice shall be furnished by the chief of the district police and shall be approved by the attorney-general. The employment of any such person for a longer time in any day than that so stated shall be deemed a violation of the provisions of this section. An employer, superintendent, overseer or other agent of a mercantile establishment who violates any of the provisions of this section shall be punished by a fine of not less than fifty nor more than one hundred dollars.

In manufacturing establishments.

SEC. 24 (as amended by chapter 435, Acts of 1902). No child under eighteen years of age and no woman shall be employed in laboring in a manufacturing or mechanical establishment more than ten hours in any one day, except as hereinafter provided in this section, unless a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week; and in no case shall the hours of labor exceed fifty-eight in a week. Every employer shall post in a conspicuous place in every room in which such persons are employed a printed notice stating the number of hours' work required of them on each day of the week, the hours of commencing and stopping work, and the hours when the time allowed for meals begins and ends or, in the case of establishments exempted from the provisions of sections thirty-six and thirty-seven, the time, if any, allowed for meals. The printed forms of such notices shall be provided by the chief of the district police, after approval by the attorney-general. The employment of such person at any time other than as stated in said printed notice shall be deemed a violation of the provisions of this section unless it appears that such employment was to make up time lost on a previous day of the

Schedule to be posted.

same week in consequence of the stopping of machinery upon which he was employed or dependent for employment; but no stopping of machinery for less than thirty consecutive minutes shall justify such overtime employment, nor shall such overtime employment be authorized until a written report of the day and hour of its occurrence and its duration is sent to the chief of the district police or to an inspector of factories and public buildings.

A law which merely prohibits a woman's being employed in any manufacturing establishment more than a certain number of hours per day or week is within the power of the legislature to enact. 120 Mass. 383.

The section applies only to such persons as are permanently employed. 130 Mass. 33.

Penalty.

SEC. 25. A parent or guardian who permits a minor under his control to be employed in violation of the provisions of the two preceding sections and any person, who, either for himself or as superintendent, overseer or agent for another, employs any person in violation of the provisions of said sections or fails to post the notice required by the preceding section or makes a false report of the stopping of machinery under the provisions of said section shall be punished by a fine of not less than fifty nor more than one hundred dollars. A certificate of the age of a minor, made and sworn to by him and by his parent or guardian at the time of his employment in a mercantile establishment, shall be prima facie evidence of his age in any prosecution under the provisions of this section.

Night work.

SEC. 27 (as amended by chapter 267, Acts of 1907). No person, and no agent or officer of a person or corporation, shall employ a woman or minor in any capacity for the purpose of manufacturing between ten o'clock at night and six o'clock in the morning. No person, and no agent or officer of a person or corporation engaged in the manufacture of textile goods, shall employ any minor under eighteen years of age, or any woman before six o'clock in the morning or after six o'clock in the evening. Whoever violates the provisions of this section shall be punished by a fine of not less than twenty nor more than fifty dollars for each offense.

Age limit.

SEC. 28 (as amended by chapter 267, Acts of 1905). 1. No child under the age of fourteen years and no child who is over fourteen and under sixteen years of age who does not have a certificate as required by the following four sections certifying to the child's ability to read at sight and to write legibly simple sentences in the English language shall be employed in any factory, workshop or mercantile establishment. No child under the age of fourteen years shall be employed at work performed for wages or other compensation, to whomsoever payable, during the hours when the public schools of the city or town in which he resides are in session, or be employed at work before six o'clock in the morning or after seven o'clock in the evening.

Night work.

Illiterates.

2. No certificate as provided for by sections twenty-nine to thirty-two inclusive of chapter one hundred and six of the Revised Laws shall be approved by any person for a minor under the age of sixteen years who intends to be employed in a factory, workshop or mercantile establishment, unless such person is satisfied that such minor is able to read at sight and to write legibly simple sentences in the English language.

Certificates

SEC. 29. No child under sixteen years of age shall be employed in a factory, workshop or mercantile establishment unless his employer procures and keeps on file, accessible to the truant officers of the city or town, and to the district police and inspectors of factories and public buildings, an age and schooling certificate and keeps two complete lists of all such minors employed therein, one on file, and one conspicuously posted near the principal entrance of the building in which such children are employed, and also keeps on file and sends to the superintendent of schools or, if there is no superintendent, to the school committee a complete list of the names of all minors employed therein who can not read at sight and write legibly simple sentences in the English language.

Who may approve.

SEC. 30. An age and schooling certificate shall be approved only by the superintendent of schools or by a person authorized by him in writing, or, if there is no superintendent of schools, by a person authorized by the school committee; but no member of a school committee or other

person authorized as aforesaid shall approve such certificate for any minor then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer or employee. The person who approves the certificate may administer the oath provided for therein, but no fee shall be charged therefor.

Evidence.

SEC. 31 (as amended by chapter 213, Acts of 1905, and chapter 224, Acts of 1907). An age or schooling certificate shall not be approved unless satisfactory evidence is furnished by a certificate of birth or baptism of such minor, or by the register of birth of such minor with a city or town clerk, that such minor is of the age stated in the certificate, except that other evidence, under oath, may be accepted in case the superintendent or person authorized by the school committee, as provided in the preceding section, decides that neither the certificate of birth or baptism, nor the register of birth is available for the purpose.

The certificate of the superintendent of the Lyman School for Boys or of the State Industrial School for Girls shall be sufficient evidence as to the age and ability to read at sight and to write legibly simple sentences in the English language, of a child who has been an inmate of such school.

Employment ticket.

SEC. 32. The age and schooling certificate of a minor under sixteen years of age shall not be approved and signed until he presents to the person who is authorized to approve and sign it an employment ticket duly filled out and signed. A duplicate of each age and schooling certificate shall be filled out and shall be kept on file by the school committee. Any explanatory matter may, in the discretion of the school committee or superintendent of schools, be printed with such certificate. The employment ticket and the age and schooling certificate shall be separately printed, and shall be filled out, signed and held or surrendered, as indicated in the following forms:

EMPLOYMENT TICKET, REVISED LAWS, C. 106, SEC. 32.

When [name of minor], height [feet and inches], complexion [fair or dark], hair [color], presents an age and schooling certificate duly signed, I intend to employ [him or her].

(Signature of intending employer or agent.)

(Town or city and date.)

AGE AND SCHOOLING CERTIFICATE, REVISED LAWS, C. 106, SEC. 32.

Age and schooling certificate.

This certifies that I am the [father, mother, guardian or custodian] of [name of minor], and that [he or she] was born at [name of city or town], in the county of [name of county, if known], and State [or country] of , on the [day and year of birth], and is now [number of years and months] old.

(Signature of father, mother, guardian or custodian.)

(City or town and date.)

Then personally appeared before me the above-named [name of person signing], and made oath that the foregoing certificate by [him or her] signed is true to the best of [his or her] knowledge and belief. I hereby approve the foregoing certificate of [name of minor], height [feet and inches], complexion [fair or dark], hair [color], having no sufficient reason to doubt that [he or she] is of age therein certified. I hereby certify that [he or she] [can or can not] read at sight and [can or can not] write legibly simple sentences in the English language.

This certificate belongs to [name of minor in whose behalf it is drawn], and is to be surrendered to [him or her] whenever [he or she] leaves the service of the corporation or employer holding the same; but if not claimed by said minor within thirty days from such time, it shall be returned to the superintendent of schools, or, if there is no superintendent of schools to the school committee.

(Signature of person authorized to approve and sign, with official character or authority.)

(City or town and date.)

In the case of a minor who can not read at sight and write legibly simple sentences in the English language, the certificate shall continue as follows, after the word "language":—

I hereby certify that [he or she] is regularly attending the [name] public evening school. This certificate shall continue in force only so long as the regular attendance of said minor at the evening school is endorsed weekly by a teacher thereof.

Whoever, being authorized to sign the foregoing certificate, knowingly certifies to any materially false statement therein shall be punished by a fine of not more than fifty dollars.

Enforcement.

SEC. 34. Truant officers may visit the factories, workshops and mercantile establishments in their several cities and towns and ascertain whether any minors are employed therein contrary to the provisions of this chapter, and shall report any cases of such illegal employment to the school committee and to the chief of the district police or to the inspector of factories and public buildings. Inspectors of factories and public buildings and truant officers may require that the age and schooling certificates and lists of minors who are employed in such factories, workshops or mercantile establishments shall be produced for their inspection. Complaints for offenses under the provisions of this chapter shall be made by inspectors of factories and public buildings.

Illiterates.

SEC. 35 (as amended by chapter 183, Acts of 1902). While a public evening school is maintained in the city or town in which any minor who is over fourteen years of age and who does not have a certificate signed by the superintendent of schools, or by the school committee, or by some person acting under authority thereof, certifying to the minor's ability to read at sight and write legibly simple sentences in the English language resides, no person shall employ him and no parent, guardian or custodian shall permit him to be employed unless he is a regular attendant at such evening school or at a day school; but, upon presentation by such minor of a certificate signed by a registered practising physician and satisfactory to the superintendent of schools, or, if there is no such superintendent, to the school committee, showing that his physical condition would render such attendance in addition to daily labor prejudicial to his health, said superintendent or school committee shall issue a permit authorizing the employment of such minor for such period as said superintendent or school committee may determine. Said superintendent or school committee, or teachers acting under authority thereof, may excuse any absence from such evening school which arises from justifiable cause. Any minor not holding the certificate described above shall furnish to his employer a record of his school attendance each week while the evening school is in session, and when this record shows unexcused absences from the sessions his attendance shall be deemed irregular according to this act. Whoever employs a minor in violation of the provisions of this section shall forfeit not more than one hundred dollars for each offense to the use of the evening schools of such city or town. A parent, guardian or custodian who permits a minor under his control to be employed in violation of the provisions of this section shall forfeit not more than twenty dollars to the use of the evening schools of such city or town.

Evening schools.

Time for meals.

SEC. 36. Women and young persons, five or more in number, who are employed in the same factory shall be allowed their meal times at the same hour, except that any such persons who begin work in such factory at a later hour in the morning than other such persons employed therein may be allowed their meal times at a different time; but no such persons shall be employed during the regular meal hour in tending the machines or doing the work of any other women or young persons in addition to their own.

Continuous employment.

SEC. 37. No woman or young person shall be employed for more than six hours at one time in a factory or workshop in which five or more such persons are employed without an interval of at least half an hour for a meal; but such person may be so employed for

not more than six and one-half hours at one time if such employment ends not later than one o'clock in the afternoon and if he or she is then dismissed from the factory or workshop for the remainder of the day; or for not more than seven and one-half hours at one time if he or she is allowed sufficient opportunity for eating a lunch during the continuance of such employment and if such employment ends not later than two o'clock in the afternoon, and he or she is then dismissed from the factory or workshop for the remainder of the day.

Exemptions. SEC. 38. The provisions of the two preceding sections shall not apply to ironworks, glassworks, paper mills, letterpress establishments, print works, bleaching works or dyeing works; and the chief of the district police, if it is proved to his satisfaction that in any other class of factories or workshops it is necessary, by reason of the continuous nature of the processes or of special circumstances affecting such class, to exempt it from the provisions of the two preceding sections and that such exemption can be made without injury to the health of the women or young persons affected thereby, may, with the approval of the governor, issue a certificate granting such exemption, public notice whereof shall, without expense to the Commonwealth, be given in the manner directed by said chief.

Working without orders. SEC. 39. If a minor under the age of eighteen years or a woman shall, without the orders, consent or knowledge of the employer or of a superintendent, overseer or other agent of the employer, labor in a manufacturing or mechanical establishment, factory or workshop during a part of any time allowed for meals in such establishment, factory or workshop, according to the notice required by section twenty-four, and if a copy of such notice was posted in a conspicuous place in the room where such labor was performed with a rule of the establishment, factory or workshop forbidding such minor or woman to labor during such time, then neither the employer nor a superintendent, overseer or other agent of the employer shall be held responsible for such labor.

Penalty. SEC. 40. Whoever either for himself or as a superintendent, overseer or agent violates the provisions of the four preceding sections shall be punished by a fine of not less than fifty nor more than one hundred dollars.

Seats for females. SEC. 41. A person who employs females in any manufacturing, mechanical or mercantile establishment shall provide suitable seats for their use and shall permit the use of such seats by them when they are not necessarily engaged in the active duties of their employment. Whoever violates the provisions of this section shall be punished by a fine of not less than ten nor more than thirty dollars for each offense.

Children cleaning moving machinery. SEC. 42. Whoever, either for himself or as superintendent, overseer or agent permits a child under fourteen years of age to clean any part of the machinery in a factory, if it is in motion by the aid of steam, water or other mechanical power, or if it is in dangerous proximity to such moving part, shall be punished by a fine of not less than fifty nor more than one hundred dollars for each offense.

Manufacture of acids. SEC. 44. The State board of health shall, upon the application of any citizen of the Commonwealth, determine, after such investigation as it considers necessary, whether or not the manufacture of a particular acid is dangerous or injurious to the health of minors under eighteen years of age; and its decision shall be conclusive evidence thereof. Whoever employs a child under eighteen years of age in the manufacture of an acid after the State board of health has determined that such manufacture is dangerous or injurious to his health shall be punished by a fine of one hundred dollars for each offense.

Acrobatic, etc., occupations. SEC. 45. No person shall employ, exhibit or sell, apprentice or give away, a child under fifteen years of age for the purpose of employing or exhibiting him in dancing on the stage, playing on musical instruments, singing, walking on a wire or rope, or riding

or performing as a gymnast, contortionist or acrobat in a circus, theatrical exhibition or in any public place, or cause, procure or encourage such child to engage therein; but the provisions of this section shall not prevent the education of children in vocal and instrumental music or dancing or their employment as musicians in a church, chapel, school, or school exhibition, or prevent their taking part in any festival, concert or musical exhibition upon the special written permission of the mayor and aldermen of a city or of the selectmen of a town. Whoever violates the provisions of this section shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than six months.

Licenses for shows.

SEC. 46. A license shall not be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as acrobats or contortionists or in any feats of gymnastics or equestrianism, or in which such children who belong to the public schools are employed or allowed to take part as performers on the stage in any capacity, or if, in the opinion of the board authorized to grant licenses, such children are employed in such a manner as to corrupt their morals or impair their health; but the provisions of this section shall not prevent the granting of special permission authorized by the preceding section.

Sanitation of factories.

SEC. 47. Every factory in which five or more persons are employed, and every factory, workshop, mercantile or other establishment or office in which two or more children, under eighteen years of age or women are employed, shall be kept clean and free from effluvia arising from any drain, privy or nuisance, and shall be provided, within reasonable access, with a sufficient number of proper water-closets, earth closets or privies; and wherever two or more males and two or more females are employed together, a sufficient number of separate water-closets, earth closets or privies shall be provided for the use of each sex, and plainly so designated; and no person shall be allowed to use a closet or privy which is provided for persons of the other sex.

Who to make changes.

SEC. 48. The owner, lessee or occupant of any premises which are used as described in the preceding section shall make the changes necessary to conform thereto. If such changes are made upon the order of an inspector of factories and public buildings by the occupant or lessee of the premises, he may, within thirty days after the completion thereof, bring an action against any other person who has an interest in such premises, and may recover such proportion of the expense of making such changes as the court adjudges should justify and equitably be borne by the defendant.

Board of health may act.

SEC. 49. If it appears to an inspector of factories and public buildings that any act, neglect or fault in relation to any drain water-closet, earth closet, privy, ash pit, water supply, nuisance or other matter in a factory or workshop included under the provisions of section forty-seven, is punishable or remediable under the provisions of chapter seventy-five or any other law relative to the preservation of the public health, but not under the provisions of this chapter, he shall give notice in writing thereof to the board of health of the city or town in which such factory or workshop is situated, and such board of health shall thereupon inquire into the subject of the notice and enforce the laws relative thereto.

Time allowance.

SEC. 50. A criminal prosecution shall not be instituted against a person for a violation of the provisions of sections forty-seven and forty-eight until four weeks after notice in writing by an inspector of factories and public buildings of the changes necessary to be made to comply with the provisions of said sections has been sent by mail or delivered to such person, nor if such changes shall have been made in accordance with such notice. A notice shall be sufficient under the provisions of this section if given to one member of a firm, or to the clerk, cashier, secretary,

Notice.

agent or any other officer who has charge of the business of a corporation or to its attorney; and in case of a foreign corporation, to the officer who has the charge of such factory or workshop; and such officer shall be personally liable for the amount of any fine if a judgment against the corporation is returned unsatisfied.

Ventilation. SEC. 51. A factory in which five or more persons and a workshop in which five or more women or young persons are employed shall, while work is carried on therein, be so ventilated that the air shall not become so impure as to be injurious to the health of the persons employed therein and so that all gases, vapors, dust or other impurities injurious to health, which are generated in the course of the manufacturing process or handicraft carried on therein shall, so far as practicable, be rendered harmless.

Same subject. SEC. 52. If, in a workshop or factory which is within the provisions of the preceding section, any process is carried on by which dust is caused which may be inhaled to an injurious extent by the persons employed therein, and it appears to an inspector of factories and public buildings that such inhalation would be substantially diminished without unreasonable expense by the use of a fan or by other mechanical means, such fan or other mechanical means, if he so directs, shall be provided, maintained and used.

Time allowance. SEC. 53. A criminal prosecution shall not be instituted for any violation of the provisions of the two preceding sections unless such employer neglects, for four weeks after the receipt of a notice in writing, to make such changes in his factory or workshop as shall be ordered by an inspector of factories and public buildings.

Deductions from wages. SEC. 69. Deductions shall not be made from the wages of women and minors who are paid by the day or hour, and are employed in manufacturing or mechanical establishments, for time during which the machinery is stopped, if said women and minors are refused the privilege of leaving the mill while the damage to said machinery is being repaired; and if such employees are detained in their workrooms during the time of the breaking down of machinery, they shall not be compelled to make up time lost by such breakdown unless they are compensated therefor at their regular rates of wages. Whoever violates the provisions of this section shall be punished by a fine of not more than twenty dollars for each offense.

Penalty. SEC. 70. Whoever violates a provision of this chapter for which no specific penalty is provided shall be punished by a fine of not more than one hundred dollars.

CHAPTER 153.—*Earnings of married women.*

Earnings separate property. SECTION 4. Work and labor performed by a married woman for a person other than her husband and children shall, unless there is an express agreement on her part to the contrary, be presumed to be performed on her separate account.

ACTS OF 1902.

CHAPTER 350.—*Employment of children on elevators.*

Age limit of 18 years; SECTION 1. All elevators for the carriage of freight or passengers, running at a speed of more than one hundred feet a minute, shall be operated by competent persons not less than eighteen years of age, and no other person shall operate or have the care or charge of such an elevator.

16 years SEC. 2. No elevator for the carriage of freight or passengers shall be operated by or placed in charge of any person under sixteen years of age.

Penalty. SEC. 3. Any person, firm or corporation violating any provision of this act by operating or causing an elevator to be operated or to be taken care or charge of in any manner contrary to the provisions of this act shall be punished by a fine of not less than twenty-five nor more than one hundred dollars for each offense.

ACTS OF 1906.

CHAPTER 284.—*Employment of children—Work on Saturdays.*

Literacy defined.

SECTION 1. The ability to read at sight and to write legibly simple sentences in the English language, which is required by chapter two hundred and sixty-seven of the acts of the year nineteen hundred and five, amending section twenty-eight of chapter one hundred and six of the Revised Laws, as a condition of the employment of certain minors in factories or otherwise, shall be construed as meaning, in the year nineteen hundred and six, such ability to read and write as is required for admission to the second grade, in the year nineteen hundred and seven such as is required for admission to the third grade, and in the year nineteen hundred and eight and thereafter such as is required for admission to the fourth grade of the public schools of the city or town in which such minors live.

Work on Saturdays.

SEC. 2. Minors to whom the said chapter two hundred and sixty-seven applies shall be permitted to work on Saturdays between the hours of six in the morning and seven in the evening, in mercantile establishments.

CHAPTER 463—PART III.—*Street railways—Allowing newsboys on cars.*

Newsboys under 10.

SECTION 89. If a street railway company, its agent or servant, allows a child under the age of ten years to enter upon or into any of its cars for the purpose of selling newspapers or other articles therein or offering them for sale, it shall forfeit fifty dollars for each offense. which shall be recovered by any person by an action brought within three months after the offense has been committed.

CHAPTER 499.—*Employment of children—Requirements as to age, etc.—Enforcement.*

Illegal employment.

SECTION 1. Whoever employs a minor under the age of sixteen years, and whoever procures or, having under his control a minor under such age, permits such minor to be employed in violation of the provisions of sections twenty-eight or twenty-nine of chapter one hundred and six of the Revised Laws, as amended by chapter two hundred and sixty-seven of the acts of the year nineteen hundred and five [relative to requirements as to age and school attendance], shall for each offense be punished by a fine of not more than three hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment; and whoever continues to employ a minor in violation of the provisions of either of said sections as so amended, after being notified thereof by a truant officer or by an inspector of factories and public buildings, shall for every day thereafter while such employment continues be punished by a fine of not less than twenty nor more than one hundred dollars, or by imprisonment for not more than six months.

Penalty.

Enforcement.

SEC. 2. Inspectors of factories and public buildings shall visit all factories, workshops and mercantile establishments within their respective districts, and ascertain whether any minors are employed therein contrary to the provisions of chapter one hundred and six of the Revised Laws and amendments thereof or additions thereto, or contrary to the provisions of this act, and shall enter complaint against whomever is found to have violated any of said provisions. Any inspector of factories and public buildings who knowingly and willfully violates any provision of this section may be punished by a fine of not more than one hundred dollars.

Same subject.

SEC. 3. A truant officer may apprehend and take to school, without a warrant, any minor under the age of sixteen years who is employed in any factory, workshop or mercantile establishment in violation of the provisions of sections twenty-eight or twenty-nine

of chapter one hundred and six of the Revised Laws, and of any amendments thereof or addition thereto, and such truant officer shall forthwith report to the police, district or municipal court or trial justice within whose judicial district the illegal employment occurs, the evidence in his possession relating to the illegal employment of any child so apprehended, and shall make complaint against whomever the court or trial justice may direct. Any truant officer who knowingly and willfully violates any provision of this section may be punished by a fine of not more than one hundred dollars for each offense.

Lists may be inspected.

SEC. 4. Inspectors of factories and public buildings, and truant officers may require that the age and schooling certificates and lists of minors who are employed in factories, workshops or mercantile establishments shall be produced for their inspection. A failure to produce to an inspector of factories and public buildings or to a truant officer an age and schooling certificate or list required by law shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. A corporation or other employer or any agent or officer thereof, who retains an age and schooling certificate in violation of the provisions of said certificate shall be punished by a fine of not less than ten nor more than one hundred dollars.

Jurisdiction.

SEC. 5. Police, district and municipal courts and trial justices shall have jurisdiction of offenses arising under the provisions of this act. A summons or warrant issued by any such court or justice may be served, at the discretion of the court or magistrate, by an inspector of factories and public buildings, or by a truant officer, or by any officer qualified to serve criminal process.

MICHIGAN.

COMPILED LAWS OF 1897.

Judgments for wages of female employees—Exemptions—Attorney's fee.

No statutory exemptions.

SECTION 900. No property, except as exempted by the State constitution, shall be exempt from levy or sale, under an execution, issued upon a judgment obtained before any justice of the peace, for work, labor, or services done or performed by any woman, when such amount does not exceed the sum of twenty-five dollars, exclusive of costs. * * * In addition to all other costs allowed by law, the plaintiff in any such suit shall recover an attorney's fee of five dollars, * * *.

Fee.

Employment of females in barrooms, etc.

Employment prohibited.

SECTION 5361. No person shall employ any girl or woman as barkeeper, or to serve liquors, or to furnish music, or for dancing in any saloon, or barroom where spirituous or intoxicating liquors, or malt, brewed or fermented liquors are sold or kept for sale.

Same subject.

SEC. 5362. No girl or woman shall be employed to tend bar, serve liquors, to dance or furnish music in any saloon or barroom where spirituous or intoxicating liquors, or malt, brewed or fermented liquors are sold or kept for sale.

Females not permitted to serve.

SEC. 5363. No keeper or proprietor of a saloon where spirituous or intoxicating liquors or malt, brewed or fermented liquors are sold or kept for sale shall permit any girl or woman to tend bar, serve liquors, dance or furnish music for hire in his saloon or barroom: *Provided*, That this act shall not be so construed as to prevent the wife or other females who are bona fide members of the family of a proprietor of a saloon from tending bar or serving liquors in his saloon.

Proviso.

Penalty.

SEC. 5364. Any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed fifty dollars and costs of prosecution, or by imprisonment in the county jail for a term not to exceed thirty days, or by both such fine and imprisonment, in the discretion of the court.

Seats for female employees.

Seats to be provided.

SECTION 5373. All persons who employ females, in stores, shops, offices or manufactories, as clerks, assistants, operatives or helpers in any business, trade or occupation carried on or operated by them, shall be required to procure and provide proper and suitable seats for all such females, and shall permit the use of such seats, rests or stools as may be necessary, and shall not make any rules, regulations or orders preventing the use of such stools or seats, when such female employees are not actively employed in their work in such business or employment.

Penalty.

SEC. 5374. If any employer of female help shall neglect or refuse to provide seats as provided in this act, or shall make any rules, orders or regulations in their shops, stores or other places of business requiring females to remain standing when not necessarily employed in service or labor therein, they shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be liable to a fine therefor, in a sum not to exceed twenty-five dollars, with costs, in the discretion of the court.

Certain employments of children forbidden.

Acrobatic, mendicant, etc., occupations.

SECTION 5553. Any person having the care, custody, or control of any child under sixteen years of age, who shall exhibit, use or employ, or who shall apprentice, give away, let out or otherwise dispose of any such child to any person in or for the vocation, service or occupation of rope or wire walking, gymnast, contortionist, rider, or acrobat, dancing or begging, in any place whatsoever, or for any obscene, indecent, or immoral purpose, exhibition or practice whatsoever, or for any exhibition injurious to the health or dangerous to the life or limb of such child, or who shall cause, procure, or encourage such child to engage therein, and any person who shall take, receive, hire, employ, use, exhibit, or have in custody any such child for any of the purposes mentioned in this section, shall be deemed guilty of a misdemeanor.

Sales, etc., of certain books.

SEC. 5557. Any person who shall sell, give away, or in any way furnish to any minor child any book, pamphlet, or other printed paper or other thing, containing obscene language, or obscene prints, pictures, figures or descriptions tending to the corruption of the morals of youth, or any newspapers, pamphlets or other printed paper devoted to the publication of criminal news, police reports, or criminal deeds, and any person who shall in any manner hire, use, or employ such child to sell, give away, or in any manner distribute such books, pamphlets, or printed papers, and any person having the care, custody, or control of any such child, who shall permit him or her to engage in any such employment, shall on conviction thereof be deemed guilty of a misdemeanor.

Employing children to sell.

ACTS OF 1899.

ACT No. 202.—*Employment of women at polishing and grinding.*

Employment prohibited.

SECTION 7 (added by act No. 172, Acts of 1905). No female shall be employed in operating or using any of the wheels or belts specified in section one of this act [wheels or emery belts of any description, * * * either leather, leather covered, felt, canvas paper, cotton or wheels or belts rolled or coated with emery or corundum, or cotton, wheels used as buffs].

ACTS OF 1901.

Act No. 113.—*Employment of children.*

Hours of labor.

Section 1 (as amended by act No. 169, Acts of 1907). No male under the age of eighteen years and no female shall be employed in any manufacturing establishment in this State for a longer period than sixty hours in any one week, unless for the purpose of making necessary repairs to machinery in order to avoid the stoppage of the ordinary running of such establishments, and no male under the age of eighteen years and no female shall be employed in any store in the State, employing more than ten persons, for a longer period than sixty hours in any one week: *Provided*, That no more than ten hours shall be exacted from such male minor or female on any day unless for the purpose of making a shorter workday on the last day of the week.

Employments prohibited.

Sec. 2 (as amended by act No. 169, Acts of 1907). No child under the age of twenty-one years shall be employed, permitted or suffered to work in any theater, concert hall or place of amusement where intoxicating liquors are sold, and no child under the age of fourteen years shall be employed in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, passenger or freight elevator, factory or workshop, telegraph or messenger service within this State. It shall be the duty of every person employing children to keep a register in which shall be recorded the name, birthplace, age and place of residence of every person employed by him or her under the age of sixteen years and that no child shall be employed between

Night work

the hours of six o'clock p. m. and seven o'clock a. m. in any manufacturing establishment or workshop in this State and it shall be unlawful for any mercantile institution, store, office, hotel, laundry, manufacturing establishment, workshop, telegraph or messenger service or any persons coming within the provisions of this act to hire or employ any child under the age of sixteen years without there is first provided and placed on file a sworn statement made by the parent or guardian, stating the age, date and place of birth of said child and that the child can read and write the English language: *Provided, however*, That if said child has been born in a foreign country, not having been a resident of the United States for three years prior to the application for permit to be employed between the age of fourteen and sixteen years a permit shall be issued to said child upon proof that said child can read and write. If said child has no parent or guardian then said statement shall be made by the child, which statement shall be kept on file by the employer, and be returned to the child upon leaving his employ, and which said register and statement shall be produced for inspection on demand of any factory inspector appointed under this act: *Provided further*, That in the city of Detroit and the city of Grand Rapids all sworn statements shall be made before a deputy factory inspector.

Dangerous employments.

Sec. 3. No female under the age of twenty-one years and no male under the age of eighteen years shall be employed by any person, firm or corporation at employment whereby his or her life or limb is endangered, or health likely to be injured, or his or her morals may be depraved by such employment and that no such male or female shall be allowed to clean machinery while in motion.

The employment of a minor in violation of this statute is negligence, and the employee does not assume the risk of injury. 105 N. W. Rep. 755.

Physical fitness.

Sec. 4. Factory inspectors shall have power to demand a certificate of physical fitness from the county physician, who shall make such examination free of charge, in the case of persons who seem physically unable to perform the labor at which they may be employed, and shall have power to prohibit the employment of any person that can not obtain such a certificate: *Provided*, This section shall not apply except to children under sixteen years of age.

ACTS OF 1903.

ACT No. 106.—*Tender to children of employment away from home.*

SECTION 1. * * * It shall be unlawful for any person to make a tender of inducement to go away from the home locality to work, to any child under sixteen years of age unless the written consent of the parents of such child has been first obtained, as well as the consent of the truant officer or county agent of the board of corrections and charities for the locality where said cnild belongs; and in case such consent is obtained and the child goes abroad under the influence of the inducements so offered, such child under sixteen years of age shall be safely returned to its home at any time when its parents shall request, in writing, such return. * * * Consent of parents required.

SEC. 3. Every person found guilty of violating the provisions of this act shall be punished by a fine not exceeding twenty-five dollars or by imprisonment of not less than ten nor more than sixty days. Penalty.

MINNESOTA.

REVISED LAWS OF 1905.

Hours of labor—Children.

SECTION 1798. Unless a shorter time be agreed upon the standard day's work for hire shall be ten hours. Every employer and other person having control who shall compel any person, or who shall permit any minor under the age of fourteen, to labor more than ten hours in any one day, shall be guilty of a misdemeanor, but persons over fourteen may labor extra hours for extra pay; and this section shall not apply to farm laborers, to domestic servants employed by the week or month, or to persons engaged in the care of live stock. Ten hours a day's labor. Exceptions.

Seats for female employees.

SECTION 1802. Every employer of females in any mercantile, manufacturing, hotel, or restaurant business, and every agent in charge of any such business, shall provide and maintain suitable seats in the room where they work, and permit such use thereof by them as may be necessary for the preservation of their health. Seats to be provided.

SEC. 1803. The certificate or testimony of any licensed and practicing physician to the effect that, in his opinion, any person is not complying with the provisions of sec. 1802 in respect to a specified employee, shall be prima facie evidence of a violation thereof. The labor commissioner, upon information of any such violation, shall forthwith cause the matter to be brought to the attention of the proper authorities, and assist in procuring evidence thereof; but this shall not prevent anyone else from making complaint and furnishing evidence, nor interfere with any State or county officer in the performance of his duty. Violations.

Earnings of minors—Payment.

SECTION 1812. Any parent or guardian claiming the wages of a minor in service shall so notify his employer, and if he fails so to do, payment to the minor of wages so earned shall be valid. Wages payable to minors, when.

Dressing rooms, etc., for female employees.

SECTION 1818. Every factory, mill, and workshop shall be kept clean and free from effluvia arising from any sewer, drain, or privy; be properly ventilated; and provided with privies for the separate use of male and female employees, properly screened, and at all times kept in a sanitary condition. Whenever the labor performed is such as to require a change of clothing, separate dressing rooms shall be provided for the sexes. Sanitation of factories, etc.

Earnings of minors—Exemption from execution.

Minor's earnings exempt.

SECTION 4317. No property hereinafter mentioned shall be liable to attachment, or sale on any final process, issued from any court:

* * * * *

17. The earnings of the minor child of any debtor or the proceeds thereof, by reason of any liability of such debtor not contracted for the special benefit of such minor child.

* * * * *

Certain employments of children prohibited—Overwork.

Acrobatic, mendicant, etc., occupations.

SECTION 4939. Every person who shall employ or cause to be employed, exhibit, or have in his custody for exhibition or employment, any minor actually or apparently under the age of eighteen years; and every parent, relative, guardian, employer, or other person having the care, custody, or control of any such minor, who shall sell, let out, give away, or in any way procure or consent to the employment of such minor—

1. As a rope or wire walker, dancer, gymnast, contortionist, rider, or acrobat;

2. In begging, receiving alms, or in any mendicant occupation;

3. In any indecent or immoral exhibition or practice;

4. In any practice or exhibition dangerous or injurious to life, limb, health, or morals;

5. In labor of any kind outside the family of his residence before 7 o'clock a. m. or after 6 o'clock p. m.; or

6. As a messenger for delivering letters, telegrams, packages, or bundles to any known house of prostitution or assignation—

Shall be guilty of a misdemeanor, and be punished by a fine of not less than fifty dollars, or by imprisonment in the county jail for not less than thirty days, or by both.

Compelling overtime work, etc.

SEC. 4940. Every person who shall torture, torment, or cruelly or unlawfully punish any child under the age of sixteen years, or shall compel any such child to labor more than ten hours in any day in a factory, workshop, or mercantile or manufacturing business, or who shall commit any act of cruelty toward such child, shall be guilty of a misdemeanor.

ACTS OF 1907.

CHAPTER 299.—*Employment of children—General provisions.*

Age limit.

SECTION 1. No child, under 14 years of age, shall be employed, permitted or suffered to work at any time, in, or in connection with, any factory, mill or workshop, or in or about any mine; and it shall be unlawful for any person, firm or corporation, to employ any child under 14 years of age in any business or service whatever during any part of the term during which the public schools of the district in which the child resides are in session.

Employment during school term.

SEC. 2. It shall be unlawful for any person, firm or corporation to employ any child over 14 years of age, and under 16 years of age, in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session, unless the employer procures and keeps accessible to the truant officers of the town or city and to the commissioner of labor, assistant commissioner of labor, factory inspectors and assistants, an employment certificate as herein prescribed and a list of all such children employed. On termination of the employment of a child, such certificate shall be forthwith surrendered by the employer to the official who issued the same. The commissioner of labor, assistant commissioner of labor, factory inspectors and assistants, may make demand on an employer when a child apparently under the age of 16 years is employed or permitted or suffered to work and when such employer does not have and

exhibit the certificate as required by this section, that such employer shall either furnish him within ten days, evidence satisfactory to him that such child is in fact over 16 years of age, or shall cease to employ or permit or suffer such child to continue in his employment. The commissioner of labor, assistant commissioner of labor, factory inspectors and assistants and truant officers may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver within ten days after such demand, such evidence of age herein required of him and shall thereafter continue to employ such child, or permit or suffer such child to continue in his employment, proof of the giving of such notice and such failure to produce such evidence, shall be prima facie evidence in any prosecution brought for a violation of this section that such child is under 16 years of age, and is unlawfully employed. Certificates.

SEC. 3. An employment certificate shall be issued only by the superintendent of schools, or by some one authorized by him so to do, or where there is no superintendent of schools, by the chairman of the school board or the chairman of the board of education, or by a person authorized by such chairman: *Provided*, That no superintendent of schools, member of the school board or board of education or other person authorized as aforesaid, shall have authority to issue such certificates for any child then in or about to enter his own employment or the employment of a firm or corporation of which he is a member, officer or employee. By whom issued.

SEC. 4. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved and retained in his possession for the inspection of the public, the following papers duly executed; (1) The school record of such child, properly filled out and signed as provided in this act. (2) A duly attested transcript of the birth certificate, filed according to law with the officer charged with the duty of recording births which shall be conclusive evidence of the birth of such child. (3) The affidavit of the parent or guardian or custodian of the child, showing the place and date of birth of such child, but such affidavit shall not be required unless the last-mentioned transcript of the certificate of birth can not be produced, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child has personally appeared before and been examined by the officer issuing the same and until such officer shall, after making an examination, make and retain for inspection by the public, a statement that, in his opinion, the child is 14 years of age or upward and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases, such physical unfitness shall be determined by the medical officer of the board of department of health. Every such employment certificate shall be signed in the presence of the officer issuing the same, by the child in whose name it is issued: *Provided, however,* That the employment certificate herein provided for shall be issued only to such children as: (1) Those whose poverty or that of their families renders it necessary for them to work for their support or that of their families: (2) Those who can produce a school record answering the requirements provided for in section 6 of this act. Issue of certificates.

SEC. 5. Such employment certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight, and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and retained for inspection by the public, and that the child named in such certificate has appeared before the officer signing the certificate and been examined. Contents of certificates.

SEC. 6. The school record required by this act shall be signed by the principal of the school which the child attends, and if there is no principal, then by the teacher of such child in said school and shall be fur- School record.

nished on demand to a child entitled thereto. It shall contain a statement certifying that the child has regularly attended a parochial or private school as required by law or has been lawfully excused therefrom during the year previous to applying for such school record and is able to read and write simple sentences in the English language, and has received during such period, instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic, up to and including fractions. Such school record shall also give the age and residence of the child as shown on the record of the school and the name of its parent or guardian or custodian.

Lists to be forwarded.

SEC. 7. The superintendent of schools and chairman of school boards and of the boards of education, shall transmit between the first and tenth day of each month to the office of the commissioner of labor of the State, a list of the names of the children to whom certificates have been issued, and anyone failing to transmit the list herein provided for, shall be guilty of a misdemeanor.

Hours of labor.

SEC. 8. No person under the age of 16 years shall be employed, or suffered, or permitted to work at any gainful occupation more than sixty hours in any one week, nor more than ten hours in any one day; or before the hour of 7 o'clock in the morning or after the hour of 7 o'clock in the evening, except that on Saturday and for ten days prior to Christmas, such person may be employed until 10 o'clock p. m., but not longer in any day or week than the hours aforesaid. Every employer shall post in a conspicuous place in every room where such minors are employed, a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the commissioner of labor of the State, and the employment of any minor for longer time in any day so stated shall be deemed a violation of this section.

Night work.

Violations.

SEC. 9. Whoever employes [employs] a child under 16 years of age, and whoever, having under his control a child under such age, permits such child to be employed in violation of sections 1, 2, or 8 of this act, shall, for such offense, be fined not more than fifty dollars; and whoever continues to employ any child in violation of any of said sections of this act after being notified by a truant officer or the commissioner of labor of the State, shall for every day thereafter, that such employment continues, be fined not less than five dollars nor more than twenty-five dollars. A failure to produce to a truant officer or any official of the labor department, any employment certificate or list required by this act shall be prima facie evidence of the illegal employment of any person whose employment certificate is not produced, or whose name is not so listed. Any corporation or employer retaining employment certificates in violation of section 2 of this act shall be fined ten dollars. Every person authorized to sign the certificate prescribed by section 5 of this act, who knowingly certifies to any materially false statement therein shall be fined not more than fifty dollars.

Enforcement.

SEC. 10. Officials of the labor department and the truant officers may visit all factories, mills, workshops, mines, mercantile establishments and all other places where labor is employed and ascertain whether any minors are employed contrary to the provisions of this act, and they shall report any cases of such illegal employment to the school superintendent or to the chairman of the school board or board of education and to the commissioner of labor of the State. Officials of the labor department and truant officers may require that the employment certificates and lists provided for in this act of minors employed, shall be produced for their inspection. Complaints for offenses under this act may be brought by any official of the State labor department, and any one who shall refuse to allow the visitation in this section provided for, shall be guilty of a misdemeanor.

Occupations prohibited.

SEC. 11. No children, under the age of 16 years shall be employed at sewing belts, or to assist in sewing belts, in any capacity whatever; nor shall any children adjust any belt to any machinery; they shall

not oil, or assist in oiling, wiping or cleaning machinery; they shall not operate or assist in operating circular or band saws, wood shapers, wood joiners, planers, sandpaper or wood polishing machinery, emery or polishing wheels used for polishing metal, wood turning or boring machinery, stamping machines in sheet metal and tinware manufacturing, stamping machines in washer and nut factories, operating corrugating tools, such as are used in roofing factories, nor shall they be employed in operating any steam boiler, steam machinery or other steam generating apparatus, or as pin boys in any bowling alleys; they shall not operate or assist in operating dough brakes or cracker machinery of any description; wire or iron straightening machinery; nor shall they operate or assist in operating rolling mill machinery, punches or shears, washing, grinding or mixing mill or calendar rolls in rubber manufacturing, nor shall they operate or assist in operating laundry machinery; nor shall they be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used, and they shall not be employed in any capacity in the manufacture of paints, colors or white lead; nor shall they be employed in any capacity whatever in operating or assisting to operate any passenger or freight elevator; nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes, or any other employment that may be considered dangerous to their lives or limbs, or where their health may be injured or morals depraved; nor in any theater, concert hall, or place of amusement wherein intoxicating liquors are sold; nor shall females under 16 years of age be employed in any capacity where such employment compels them to remain standing constantly: *Provided*, That in any action brought against an employer of any child under 16 years of age, on account of injuries sustained by the child while so employed, if the employer shall have obtained, and kept on file in like manner as herein provided for employment certificates, an affidavit of the parent or guardian, stating in substance that the child is not less than 16 years of age, such employment shall not be deemed a violation of this act. Any person employing any child in violation of the provisions of this section shall be guilty of a gross misdemeanor.

Saloons, etc.

Physical fitness.

SEC. 12. In case any child appears to be unable to perform the labor at which he or she is employed, the officials of the labor department or truant officers may require the employer of such child to produce a certificate from some reputable practicing physician of the physical fitness of the child for such work, and a child as to whom such certificate can not be obtained shall not be employed. Any person refusing to produce the certificate herein required upon demand, or who shall employ a child when a certificate has been produced stating that such child is physically unable to work, shall be guilty of a gross misdemeanor.

[The following annotation, based on an earlier statute which is superseded by the above act, is reproduced as probably applicable to the present law as well:]

Failure on the part of an employer to obtain the employment certificate prescribed is a violation of the statute, and entitles a plantiff to a remedy for the negligent acts of the employer. Violation of the law, with consequent injury from the dangerous machinery in use in the defendant's mill was properly held to be prima facie, but not conclusive evidence of the plaintiff's right to recover. 97 N. W. Rep. 137.

MISSISSIPPI.

CODE OF 1906.

Enticing minors for purpose of employment.

Consent of parents required.

SECTION 1080. Any person who shall persuade, entice, or decoy away from its father or mother, with whom it resides, any child under the age of twenty-one years if a male, or eighteen if a female, being unmarried, for the purpose of employing such child without the consent of its parents, or one of them, shall, upon conviction, be punished by a fine of not more than twenty dollars, or imprisonment in the county jail not more than thirty days, or both.

Employment of children while parents live in idleness.

Who are vagrants.

SECTION 5055. The following persons are and shall be punished as vagrants, viz.:

* * * * *

(*m*) All persons who are able to work and do not work, but hire out their minor children or allow them to be hired out, and live upon their wages.

MISSOURI.

REVISED STATUTES OF 1899.

Employment of women in saloons, etc.

Employment prohibited.

SECTION 2185. No owner, proprietor or keeper of any dramshop, saloon or place where spirituous, malt or vinous liquors are sold at retail shall employ or suffer to be employed any female other than the wife, daughter, mother or sister of the owner, as a servant, bartender, waiter, dancer or singer in said dramshop or place where spirituous, malt or vinous liquors are sold at retail and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by imprisonment in the county jail not less than three nor more than twelve months, or by fine of not less than fifty nor more than five hundred dollars, or by both such fine and imprisonment; * * *

Certain employments of children forbidden—Age limit.

Acrobatic, mendicant, etc., occupations.

SECTION 2186. It shall be unlawful for any person having the care, custody or control of any child under the age of fourteen years to exhibit, use or employ, or in any manner, or under any pretense, sell, apprentice, give away, let out or otherwise dispose of any such child to any person in or for the vocation or occupation, service or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging or peddling, or as a gymnast, contortionist, rider or acrobat in any place whatsoever, or for any obscene, indecent or immoral purpose, exhibition or practice whatsoever, or for or in any business, exhibition or vocation injurious to the health or dangerous to the life or limb of such child, or cause, procure or encourage any such child to engage therein. Nothing in this section contained shall apply to or affect the employment or use of any such child as a singer or musician in any church, school or academy, or at any respectable entertainment, or the teaching or learning the science or practice of music.

Hiring, etc.

SEC. 2187. It shall also be unlawful for any person to take, receive, hire, employ, use, exhibit or have in custody any child under the age and for the purposes prohibited in section 2186 of this article.

Penalty.

SEC. 2188. Any person convicted under the provisions of the two preceding sections shall for the first offense be fined not exceeding one hundred dollars, or imprisoned in the county jail not exceeding three months, or both, in the discretion of the court, and upon conviction for a second or any subsequent offense, shall be fined in any sum not exceeding five hundred dollars, or imprisoned in the penitentiary for a term not exceeding two years, or both, in the discretion of the court.

Age limit in factories.

SEC. 2189. No child under the age of fourteen years shall be employed in any manufacturing or mechanical establishment in this State wherein steam, water or any other mechanical power is used in the manufacturing process carried on therein, or, where the work to be done by such child would, in the opinion of two reputable physicians in the locality where such work is to be done, be dangerous to the health of such child.

Penalty.

SEC. 2190. Any person, firm or corporation, or its agent, who employs, and any parent or person in charge of such child who

permits the employment of such child in violation of this article, shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined not less than ten nor more than one hundred dollars, or imprisonment [imprisoned] in the county jail for a period of not less than two days nor more than ten days, or both fined and imprisoned, for each offense: *Provided*, That extreme poverty of the parent, or person in charge of such child, shall be a good defense to such proceeding. Proviso.

Earnings of married women.

SECTION 4340. All real estate and any personal property, including rights in action, belonging to any woman at her marriage, or which may have come to her during coverture, by gift, bequest or inheritance, or by purchase with her separate money or means, or be due as the wages of her separate labor, or has grown out of any violation of her personal rights, shall, together with all income, increase and profits thereof, be and remain her separate property and under her sole control, and shall not be liable to be taken by any process of law for the debts of her husband. * * * Earnings separate property.

Employment of women and children in factories.

SECTION 6434. No minor or woman shall be required to clean any part of the mill, gearing or machinery in any such establishment in this State, while the same is in motion, or work between the fixed or traversing parts of any machine, while it is in motion by the action of steam, water or other mechanical power. Cleaning moving machinery, etc.

A person requiring a minor to work at machinery of the kind interdicted by this section is guilty of negligence, and can not plead that the employee assumed the risk of injury. 96 S. W. Rep. 679.

SEC. 6438. Every factory and workshop in this State where women and children are employed, and where dusty work is carried on, shall be limewashed or painted at least once in every twelve months. Rooms to be limewashed.

SEC. 6440. In every factory, workshop or other establishment in this State where girls or women are employed, where unclean work of any kind has to be performed, suitable places shall be provided for such girls or women to wash and dress, and stairs in use by female employees shall in all such establishments be properly screened. Wash rooms for women.

SEC. 6441. Separate water-closets shall be provided for the use of employees of either sex in manufacturing, mechanical, mercantile and other establishments in this State where persons of both sexes are employed. Water-closets.

SEC. 6443. In every manufacturing, mechanical, mercantile and other establishment in this State wherein girls or women are employed, there shall be provided and conveniently located seats sufficient to comfortably seat such girls or women, and during such times as such girls or women are not necessarily required by their duties to be upon their feet, they shall be allowed to occupy the seats provided. Seats for female employees.

SEC. 6450. Any person or persons, firm or corporation, being the owner, agent, lessee or occupant of any manufacturing, mechanical, mercantile or other establishment, business or calling in this State to which this article applies, or any employee therein or thereat, who shall violate, or aid or abet in violating, any of the provisions of this article, shall be deemed guilty of a misdemeanor, and, upon conviction in any court of competent jurisdiction in this State, be fined for the first offense not less than twenty-five dollars nor more than two hundred dollars, and for each subsequent offense, not less than one hundred dollars nor more than five hundred dollars, and, in default of payment of such fine and costs, shall be committed to the common jail of the county or city in which the offense was committed until such fine and costs are fully paid. Penalty.

Employment of women and children in mines.

SECTION 8811 (as amended by act, page 211, Acts of 1901, and act, page 237, Acts of 1905).

* * * * *

Employment prohibited.

No male person under the age of fourteen years, or female of any age, shall be permitted to enter any mine to work therein; nor shall any boy under the age of sixteen years, unless he can read or write, be allowed to work in any mine. Any party or person neglecting or refusing to perform the duties required to be performed by the provisions of this article shall be deemed guilty of a misdemeanor, and punished by a fine in the discretion of the court trying the same, subject, however, to the limitations as provided by * * * [statute].

Age of hoisting engineers.

SEC. 8812. No owner, agent or operator of any mine operated by shaft or slope shall place in charge of any engine whereby men are lowered into or hoisted out of the mines any but an experienced, competent and sober person not under eighteen years of age.

* * *

Night work of children in bakeries.

Night work prohibited.

SECTION 10088. * * * No person under the age of sixteen years shall be employed in any bake shop between the hours of nine o'clock at night and five o'clock in the morning.

Employment of women and children in factories—Inspection.

Sanitation.

SECTION 10099. Every person employing five or more persons in a factory, or employing children, young persons or women, five or more in number, in a workshop, shall keep such factory or workshop in a cleanly state and free from effluvia from any drain, privy or other nuisance.

Water-closets.

SEC. 10100. Every person employing five or more persons in a factory or employing children, young persons or women, five or more in number, in a workshop, shall provide, with reasonable access, a sufficient number of proper water-closets, earth closets or privies, for the reasonable use of all persons so employed; and wherever male and female persons are employed in the same factory or workshop, a sufficient number of separate and distinct water-closets, earth closets or privies shall be provided for the use of each sex, and shall be plainly designated; and no person shall be allowed to use any such closet or privy assigned to persons of the other sex.

Ventilation.

SEC. 10101. Every factory in which five or more persons are employed, and every workshop in which children, young persons or women, five or more in number, are employed, shall be so ventilated while work is carried on therein that the air shall not become so exhausted as to be injurious to the health of the persons employed therein, and shall also be so ventilated as to render harmless, so far as is practicable, all the gases, vapors, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

Exhaust fans.

SEC. 10102. If, in a factory or workshop included in section 10101 of this article, any process is carried on by which dust is generated and inhaled to an injurious extent by the persons employed therein, and it appears to an inspector of factories that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, and that the same could be provided without excessive expense, such inspector may direct a fan, or other mechanical means of a proper construction, to be provided within a reasonable time; and such fan or other mechanical means shall be so provided, maintained and used.

Penalty.

SEC. 10103. Any person employing labor in a factory or workshop, and violating any provision of this article, shall be deemed guilty of a misdemeanor, and punished by a fine of not less than fifty nor more than two hundred dollars; but no criminal prose-

cution shall be made for such violation until four weeks after notice in writing by an inspector of factories of the changes necessary to be made to comply with the provisions of this article has been sent by mail or delivered to such person, nor then, if in the meantime such changes have been made in accordance with such notification. A notice shall be a sufficient notice under this article to all the members of a firm, company or corporation, when given to one member of such firm or company, or to the clerk, cashier, secretary, agent or any other officer having charge of the business of such corporation, or to its attorney; and in case of a foreign corporation, notice to the officer having charge of such factory or workshop shall be sufficient.

Definitions.

SEC. 10104. The following expressions used in this article shall have the following meanings: The expression "person" means any individual, corporation, partnership, company or association. The expression "child" means a person under the age of fourteen years. The expression "young person" means a person of the age of fourteen years and under the age of eighteen years. The expression "woman" means a woman of the age of eighteen years and upward. The expression "factory" means any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on. The expression "workshop" means any premises, room or place, not being a factory as above defined, wherein any manual labor is exercised by way of trade, or for purposes of gain, in or incidental to any process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, room or place the employer of the persons working therein has the right of access or control: *Provided, however*, That the exercise of manual labor in a private house or room by a family dwelling therein, shall not in itself constitute such house or room a workshop within this definition.

ACTS OF 1905.

Employment of children during school time.

(Page 146.)

School attendance required.

SECTION 1. Every parent, guardian or other person in the State of Missouri having charge and control of a child between the ages of eight and fourteen years shall cause such child to attend regularly some day school, public, private, parochial or parish, not less than one-half of the entire time the school which said child attends is in session, or shall provide such child at home with such regular daily instruction during the usual hours as shall be, in the judgment of a court having competent jurisdiction, substantially equivalent at least to the instruction given the children of like age at said day school in the locality in which said child resides: *Provided*, That every parent, guardian, or person in the State of Missouri having charge and control of a child between the ages of fourteen and sixteen years who is not actually and regularly and lawfully engaged in some useful employment or service, shall cause said child to attend regularly some day school as aforesaid.

Unemployed children.

Children of dependent parents.

SEC. 2. A child between the ages aforesaid may be excused temporarily from complying with the provisions of this act, in whole or in part, if it be shown to the satisfaction of a court of competent jurisdiction that said parent or guardian, or person having charge and control of said child is not able through extreme destitution to provide or obtain in any way proper clothing for said child; or that said child is mentally or physically incapacitated to attend school for the whole period required, or any part thereof, or that there is no public school taught within two and one-half miles of the residence of said child by the nearest traveled road, or that the labor of said child is absolutely necessary for the support of the family, or that said child has

completed the common school course as prescribed by constituted authority or its equivalent and has received a certificate of graduation therefrom.

Enforcement. SEC. 3. The board having charge of a public school in a city or district of three thousand or more population by the last census may appoint, and remove at pleasure, one or more attendance officers to enforce the provisions of this act, and shall fix the compensation and manner of performance of the duties of said attendance officer, and shall pay them from the public school funds; and the attendance officers, as aforesaid, * * * shall have the right to visit and enter any office, or factory or business house employing children as aforesaid; shall have the right to acquire a properly attested certificate of the attendance of any child or children at such day school: * * *

Certificates. SEC. 7. No child between eight and fourteen years of age shall be employed in any mine, factory, workshop, mercantile establishment, or in any other manner, during the usual school hours unless the person employing him shall first procure a certificate from the superintendent or teacher of the school he attended stating that such child attended school for the period required by law, or has been excused from attendance as provided in section two; and it shall be the duty of such superintendent or teacher to furnish such certificate upon application of the parent, guardian or other persons having control of such child entitled to the same.

Penalty. SEC. 8. Every owner, superintendent or officer of any mine, factory, workshop or mercantile establishment, and any other person who shall employ any child between eight and fourteen years of age contrary to the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined for each offense in a sum not less than twenty nor more than fifty dollars and costs.

[This law does not apply to the city of St. Louis. See section 13 of act, page 428, Acts of 1907, on page 738 below.]

ACTS OF 1907.

Employment of children—Age limit.

(Page 86.)

Limit of 14 years. SECTION 1. No child under the age of fourteen years shall be employed, permitted or suffered to work at any gainful occupation in any theater, concert hall, or in or about any place of amusement where intoxicating liquors are sold, or in any manufacturing establishment, laundry, bowling alley, freight elevator, factory or workshop within this State, [nor] in any store or mercantile establishment in which more than ten persons are employed; nor in the transmission or distribution of messages or merchandise: *Provided*, That the provisions of this section shall apply only to cities of ten thousand inhabitants or more.

Hours of labor under 16 years. SEC. 2. No person under the age of sixteen years shall be employed, permitted or suffered to work at any gainful occupation in any theater, concert hall or place of amusement where intoxicating liquors are sold, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory or workshop, or in any messenger or express service, or at any boot-blacking establishment more than fifty-four hours in any one week, nor more than nine hours per day; or before the hour of seven o'clock in the morning or after the hour of seven o'clock in the evening. Every employer shall post in a conspicuous place in every room where such minors are employed a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work and the hours when the time or times allowed for meals begin(s) or end(s). The printed forms of such notice shall be furnished by the State factory inspector upon request of the employer, and the employment of any such minor for longer time in any day so stated shall be deemed a violation of this section: *Provided*, That the provisions of this section shall apply only in cities of ten thousand inhabitants or more.

Night work.

Register.

SEC. 3. It shall be the duty of every person, firm or corporation, agent or manager of any firm or corporation employing minors over fourteen and under sixteen years of age in any manufacturing or mercantile establishment, store, office, hotel, laundry, bowling alley, theater, concert hall or place of amusement, factory or workshop, or as messenger or driver therefor, within this State, to keep a register in said manufacturing or mercantile establishment, store, office, hotel, laundry, bowling alley, theater, concert hall or place of amusement, factory or workshop in which said minors shall be employed or permitted or suffered to work, in which register shall be recorded the name, age and place of residence of every child employed or permitted or suffered to work therein, or as messenger or driver therefor, over the age of fourteen and under the age of sixteen years; and it shall be unlawful for any person, firm or corporation, or agent or manager of any firm or corporation to hire or employ, or to permit or suffer to work in any manufacturing or mercantile establishment, store, office, hotel, laundry, bowling alley, theater, concert hall or place of amusement, factory or workshop, or as messenger or driver therefor, any child over the age of fourteen years and under sixteen years of age, unless there is first produced and placed on file in any such establishment or place of employment, as heretofore mentioned in this section, an age certificate, approved as hereinafter provided.

List to be posted.

SEC. 4. Every person, firm or corporation, agent or manager of a corporation employing or permitting or suffering to work five or more children under the age of sixteen years and over the age of fourteen in any mercantile institution, store, office, laundry, hotel, manufacturing establishment, factory or workshop, shall post and keep posted in a conspicuous place in every room in which such help is employed, or permitted or suffered to work, a list containing the name, age and place of residence of every person under the age of sixteen years employed, permitted or suffered to work in such room.

Certificates.

SEC. 5. No child under sixteen years of age and over fourteen years of age shall be employed in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theater, concert hall or place of amusement, factory or workshop, passenger or freight elevator, or in any messenger or express service, or as messenger or driver therefor, unless there is first produced and placed on file in such mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, theater, concert hall or place of amusement, factory or workshop, elevator or messenger or express office, and accessible to the State factory inspector, assistant factory inspector or deputy factory inspector, an age certificate as hereinafter prescribed: *Provided further*, That the State factory inspector, assistant factory inspector or deputy factory inspector shall have power to demand a certificate of physical fitness from some regularly licensed physician, in the case of children who may seem to said inspector physically unable to perform the labor at which they may be employed; and no such child shall be employed who can not obtain such a certificate.

Who may issue.

SEC. 6. The State factory inspector, or any assistant factory inspector acting under his authority, shall have full power to issue an age certificate to minors over fourteen years and under sixteen years of age seeking employment in any part of the State, but in all counties of this State where the State factory inspector has established no permanent office, it shall be the duty of any justice of the peace for and within the township in which such minor resides to issue or approve such age certificate: *Provided, however*, That no person authorized to issue an age certificate as aforesaid shall have authority to approve such certificate for any child then in or about to enter his own establishment, or the employment of a firm or corporation of which he is a member, officer or employee. The person approving these age certificates shall have authority to administer the oath provided therein, but no fee shall be charged therefor. Every person issuing or approving these age certificates shall keep a record of the same, and shall forward to the office of the State factory inspector a duplicate of each certificate issued or approved. All such age certificates shall be subject to

review by the State factory inspector and may by him be cancelled if he finds that such certificates have been obtained through fraud, misrepresentation or falsification of facts. In such cases the State factory inspector shall give written notice to the employer, who shall at once cause the minor affected to be dismissed from employment. Printed forms of the age certificate hereinafter provided shall be furnished by the State factory inspector upon request made by persons authorized to issue them.

Evidence of age.

SEC. 7. An age certificate shall not be approved unless satisfactory evidence is furnished by a certificate of birth or baptism of such child, the register of birth of such child with an officer of a city or town designated to keep a register of births, or by the records of the public or parochial schools attended by such child, that such child is of the age stated in the certificate: *Provided*, That in cases wherein the above proof is not obtainable, the parent, guardian or custodian of the child shall make oath before the State factory inspector or an assistant [factory] inspector or before a juvenile or county court as to the age of such child, and the State factory inspector or assistant factory inspector or the court may issue to such child an age certificate as sworn to. A duplicate of such age certificate shall be filled out and shall be forwarded to the office of the State factory inspector. The age certificate shall be printed and shall be filled out, signed and held or surrendered in the following forms:

Forms.

AGE CERTIFICATE.

This certifies that I am (father, mother, guardian, or custodian) of (name of minor), and that (he or she) was born at (name of town or city) in the (name of county if known) and State or country of ———, on the (day of birth and year of birth) and is now (number of years and months) old.

(Signature of parent, guardian, or custodian.)

(City or town and date.)

There personally appeared before me the above-named (name of person signing) and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge. I hereby approve the foregoing certificate of (name of child), height (feet and inches), weight ——, complexion (fair or dark), hair (color), having no sufficient reason to doubt that (he or she) is of the age therein certified.

Owner of certificate. This certificate belongs to (name of child in whose behalf it is drawn) and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same, but if not claimed by said child within thirty days from such time it shall be returned to the office of the State factory inspector for cancellation.

(Signature of person authorized to approve and sign with official character authority.)

(Town or city and date.)

Factories, etc., to be visited.

SEC. 8. The State inspector of factories, his assistants or deputies, shall visit all mercantile institutions, stores, offices, laundries, manufacturing establishments, bowling alleys, theaters, concert halls or places of amusement, factories or workshops, and all other places where minors are or may be employed, in this State, and ascertain whether any minors are employed, contrary to the provisions of this act. Inspectors of factories may require that age certificates and all lists of minors employed in such factories, workshops, mercantile institutions and all other places where minors are employed as provided for in this act, shall be produced for their inspection on demand.

Occupations prohibited.

SEC. 9. No child under the age of sixteen years shall be employed to adjust any belt to any machinery or to oil or assist in oiling, wiping or cleaning machinery; nor shall any such child operate or assist in operating circular or band saws, wood shapers, wood jointers, planers,

sandpaper or wood polishing machinery, emery or polishing wheels used for polishing metal, wood turning or boring machinery, stamping machines in sheet metal and tinware manufacturing, stamping machines in washer and nut factories, operating corrugating rolls, such as are used in roofing factories, nor shall they be employed in operating any steam boiler, steam machinery, or other steam generating apparatus; they shall not operate or assist in operating dough brakes, or cracker machinery of any description; wire or iron straightening machinery, nor shall they operate or assist in operating rolling mill machinery, punches or shears, washing, grinding or mixing mill or calender rolls in rubber manufacturing, nor shall they operate or assist in operating laundry machinery; nor shall such children be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used; and they shall not be employed in any capacity in the manufacture of paints, colors or white lead; nor shall they be employed in any capacity whatever in operating or assisting to operate any passenger or freight elevator; nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes, or any other employment that may be considered dangerous to their lives or limbs, or where their health may be injured or morals depraved; nor in any messenger or express service, which requires them to carry messages or merchandise to or from houses of ill fame nor in any theater, concert hall, or place of amusement wherein intoxicating liquors are sold.

Evidence of employment.

SEC. 10. The presence of any person under the age of sixteen years in any manufacturing establishment, factory or workshop, shall constitute prima facie evidence of his or her employment therein.

Enforcement.

SEC. 11. It shall be the special duty of the State factory inspector to enforce the provisions of this act, and to prosecute all violations of the same before any court of competent jurisdiction in this State, and it shall be the duty of the prosecuting attorney of any county or city, upon the request of the factory inspector, to prosecute any violation of this act. It shall be the duty of the State factory inspector, assistant factory inspector and deputy State factory inspectors, under the supervision and direction of the State factory inspector, and they are hereby authorized and empowered to visit and inspect, at all reasonable times and as often as possible, all places covered by this act.

Violations.

SEC. 12. Whoever, having under his control a child under the age of sixteen years, permits such child to be employed in violation of the provisions of this act, shall, for each offense, be fined not less than ten dollars nor more than one hundred dollars, and shall stand committed until such fine and costs are paid. A failure to produce to the inspector of factories, his assistants or deputies, any age certificates, or lists required by this act, shall constitute a violation of this act, and the person failing shall, upon conviction, be fined not less than ten dollars nor more than fifty dollars for each offense. Any person, firm or corporation, agent or manager, superintendent or foreman of any firm or corporation—whether for himself or for such firm or corporation, or by himself or through subagents or foreman, superintendent or manager, who shall violate or fail to comply with any of the provisions of this act, or who shall refuse admittance to premises or otherwise obstruct the factory inspector, assistant factory inspector or deputy factory inspectors in the performance of their duties as prescribed by this act, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense, and shall stand committed until such fine and costs are paid.

Employment of children—School attendance—St. Louis.

(Page 428.)

School attendance required.

SECTION 1. Every parent, guardian or other person in any city of the State of Missouri of five hundred thousand inhabitants or over having charge, control or custody of a child between the ages of eight and fourteen years, shall cause such child to attend regularly some day school, public, private, parochial or parish, not less than the entire time the school which said child attends is in session, or shall provide such child at home with such regular daily instructions during the usual hours as shall, in the judgment of a court having competent jurisdiction, be substantially equivalent at least to the instruction given the children of like age at said day school in the locality in which said child resides; and every parent, guardian, or person in the State of Missiouri in such cities having charge, control or custody of a child between the ages of fourteen and sixteen years, who is not actually and regularly and lawfully engaged for at least six hours each day in some useful employment or service, shall cause said child to attend regularly some day school as aforesaid.

Exemptions.

SEC. 2. A child between the ages aforesaid may be excused temporarily from complying with the provisions of this act, in whole or in part, if it be shown to the satisfaction of the attendance officer, or if he declines to excuse, to the satisfaction of a court of competent jurisdiction, that said parent, guardian or person having charge, control or custody of said child is not able, through extreme destitution, to provide or obtain in any way proper clothing for said child; or that said child is mentally or physically incapacitated to attend school for the whole period required, or any part thereof, or that the labor of said child is absolutely necessary for the support of the family, or that said child has completed the common school course, as prescribed by constituted authority, or its equivalent, and has received a certificate of graduation therefrom: *Provided, however*, That in cities maintaining evening schools any child who has been exempted from attendance in the day school for the reason that the labor of said child is absolutely necessary for the support of the family, shall be required to attend said evening schools while they are in session, unless an exemption from such attendance is granted by the attendance officer.

Attendance officers.

SEC. 3. The board having charge of public schools in such city may appoint, and remove at pleasure, one or more attendance officers to enforce the provisions of this act, and shall fix the compensation and manner of performance of the duties of said attendance officers, and shall pay them from the public school funds; and the attendance officer or officers, as aforesaid, shall have the right to investigate the claims of children for exemption under section two, and to issue certificates of exemption when such claims are established to his or their satisfaction;

Duties.

shall serve written or printed notices upon the parents, or guardians, or persons, who, having charge, control or custody of children, as aforesaid, violate the provisions of this act; shall, when reasonable doubt exists as to the age of any such child, require a properly attested birth certificate or an affidavit stating such child's age, giving the date of birth, physical characteristics and bearing the signature of the child; shall have the right to visit and enter any mine, office, factory, workshop, business house, place of amusement, or other place in which children are employed or engaged in any kind of service, or any place or building in which children loiter or idle during school hours; shall have the right to require a properly attested certificate of the attendance of any child or children at such day school; shall have power to arrest, without warrant, any truant, or nonattendants or other juvenile disorderly persons, and place them in some school, or take them to their homes, or take them to any place of detention provided for neglected or delinquent children by such city; shall serve in the cases which they prosecute without further fee or compensation than that paid by the board as aforesaid, and shall carry into effect such other regulations as may lawfully be required by the board appointing them.

Powers.

SEC. 4. Superintendents, principals and persons in charge of schools and attendance officers are authorized to administer oaths and to take the affidavits of parent, guardian or other person having charge, control or custody of children, concerning the ages of children, and to furnish children with certificates of such affidavits; such certificates must have attached the signature of the child for whom it is issued, the signature of the person who made and took the affidavit, and the seal of the board having charge of public schools. Aforesaid certificates shall contain the description of the color of eye and hair of the child to whom it is issued.

False affidavits.

SEC. 5. It shall be a misdemeanor for any parent, guardian or other person having charge, control or custody of children to give false information to superintendents or principals of schools or to the attendance officer or to make a false affidavit concerning the age of a child, and aforesaid parent, guardian or other person shall, upon conviction of such misdemeanor, be fined not exceeding twenty-five dollars.

Violations.

SEC. 7. Any parent or guardian or person who having charge, control or custody of a child in such city, between the ages of eight and sixteen years, violates any provision of this act, shall be warned, as aforesaid, as soon as possible after the beginning of the public school term of the city, and also at any time thereafter, by the attendance officer herein provided for, to place and keep said child in regular attendance at some school within ten days from the service of said written or printed notice of warning, and upon failure to comply with this act after a lapse of ten days from the date of the service of said notice of warning, said parent or guardian, or person having charge, control or custody of said child shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall pay a fine of not less than ten dollars and not more than twenty-five dollars, or [be] imprisoned for not less than two days and not more than ten days, or both such fine and imprisonment: *Provided*, That said sentence of fine or imprisonment, or both, may be suspended and finally remitted by the court with or without the payment of costs, at the discretion of the court, if the said child be immediately placed and kept in regular attendance in some day school as aforesaid, and if such fact of regular attendance is proven subsequently to the satisfaction of said court by a properly attested certificate of attendance by the superintendent, principal or person in charge of said day school.

Employment.

Certificate.

SEC. 8. No child between the ages of fourteen and sixteen shall be employed or be engaged in service in any mine, factory, workshop, business house, place of amusement, or in any other place or manner who has not first furnished his employer a properly attested birth certificate, or an affidavit, as provided for in section four of this act, giving the date of birth and physical characteristics and the signature of the child.

Employment during school hours.

SEC. 9. No child between the ages of eight and fourteen shall be employed or be engaged in service during the usual school hours in any mine, office, factory, workshop, business house, place of amusement, or in any other place or manner, unless such child shall first furnish his employer a certificate, properly signed by the attendance officer, or an excuse from school attendance issued by a court of competent jurisdiction, showing that such child is for the time being excused from attendance at school, in accordance with section two of this act.

Violation.

SEC. 10. Every owner, superintendent, officer, or person in charge of any mine, office, factory, workshop, business house, or place of amusement, or any person who shall employ or have in his service any child between eight and sixteen years of age contrary to the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be fined for each offense in a sum not less than twenty or more than fifty dollars and costs.

File to be kept. SEC. 11. Every owner, superintendent, officer, or person in charge of any mine, office, factory, workshop, business house, or place of amusement, or any person who employs or has in his service any child between eight and sixteen years of age, shall preserve and keep on file for each child between the aforesaid ages that is in his employ or service, the affidavit or certificate of age, or the certificate of exemption from school attendance which has been furnished to said employer, as provided for by sections nine and ten of this act; and every employer, as aforesaid, shall, upon the request of the attendance officer, submit any or each of said certificates, affidavits, or exemptions from school attendance for inspection and examination of such officer. Any employer failing to comply with any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined for such offense not less than twenty dollars, nor more than fifty dollars, and costs.

Enforcement. SEC. 12. Prosecutions under this act shall be brought in the name of the State of Missouri. The circuit court, when vested as a juvenile court, with jurisdiction over juvenile offenders, shall have concurrent jurisdiction with the court in said city having general jurisdiction over misdemeanors to try and determine any cases of violation of the provisions of this act by parents, employers or other persons, and shall also have jurisdiction to determine exemptions under section two, and a general supervisory jurisdiction over the enforcement of the provisions of this act.

Prior law repealed as to St. Louis. SEC. 13. An act entitled "An act to enforce the constitutional right of every child in the State to an education, to provide for truant or parental schools and attendance officers in cities of ten thousand population or more, and to prohibit the employment of children during school hours," approved April 11, 1905, [page 146, Acts of 1905] so far as the same applies to cities having five hundred thousand inhabitants or more, is hereby repealed.

MONTANA.

CONSTITUTION.

ARTICLE 18.—*Employment of children in mines.*

Age limit. SECTION 3. It shall be unlawful to employ children under the age of sixteen (16) years of age in underground mines.

CODES AND STATUTES—1895.

POLITICAL CODE.

Employment of children during school term—Illiterates.

School attendance required. SECTION 1920 (as amended by chapter 45, Acts of 1903). All parents, guardians and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, English grammar, geography, physiology and hygiene, and arithmetic. Every parent, guardian or other person having charge of any child between the ages of eight and fourteen years shall send such child to a public, private, or parochial school, for the full time that the school attended is in session, which shall in no case be for less than sixteen weeks during any current year, and said attendance shall begin within the first week of the school term, unless the child is excused from such attendance * * * upon satisfactory showing, either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified, * * * or that there is no school taught the required length of time within 2½ miles of the residence of such child by the nearest traveled road: *Provided*, That no child shall be refused admission to any public school on account of race or color. * * *

Certificates.

SEC. 1921 (as amended by chapter 45, Acts of 1903). No child under fourteen years of age shall be employed or be in the employment of any person, company or corporation during the school term and while the public schools are in session, unless such child shall present to such person, company or corporation an age and schooling certificate herein provided for. An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, in city or other districts having such superintendent, or by the clerk of the board of trustees in village and township districts not having such superintendent, upon a satisfactory proof of the age of such minor and that he has successfully completed the studies enumerated in section 1920 of this article; or if between the ages of fourteen and sixteen years, a knowledge of his or her ability to read and write legibly the English language. The age and schooling certificate shall be formulated by the superintendent of public instruction and the same furnished, in blank, by the clerk of the board of trustees or the clerk of the district. Every person[,] company, or corporation employing any child under sixteen years of age, shall exact the age and schooling certificate prescribed in this section, as a condition of employment and shall keep the same on file, and shall upon the request of the truant officer hereinafter provided for, permit him to examine such age and schooling certificate. Any person, company, or corporation, employing any minor contrary to the provisions of this section shall be fined not less than twenty-five nor more than fifty dollars for each and every offense.

[See section 1, chapter 99, Acts of 1907.]

Illiterates.

SEC. 1922 (as amended by chapter 45, Acts of 1903). All minors over the age of fourteen and under the age of sixteen years, who can not read and write the English language shall be required to attend school as provided in section 1920, of this article and all the provisions of said section shall apply to said minors: *Provided*, That such attendance shall not be required of such minors after they have secured a certificate from the superintendent of schools in districts having superintendents, or the clerk of the board of trustees in districts not having superintendents, that they can read, and write the English language. No person, company or corporation shall employ any such minor during the time schools are in session, or having such minor in their employ shall immediately cease such employment, upon notice from the truant officer who is hereinafter provided. Every person, company, or corporation violating the provisions of this section shall be fined not less than twenty-five nor more than fifty dollars for each and every offense.

Enforcement.

SEC. 1924 (as amended by chapter 45, Acts of 1903). * * * The truant officer shall be vested with police powers, the authority to serve warrants, and have authority to enter workshops, factories, stores and all other places where children may be employed, and do whatever may be necessary, in the way of investigation or otherwise to enforce the provisions of this act; * * *

CIVIL CODE.

Earnings of married women.

Earnings separate property.

SECTION 223. The earnings and accumulations of the wife are not liable for the debts of the husband.

Same subject.

SEC. 225. All work and labor performed by a married woman for a person other than her husband and children shall, unless there is a written agreement on her part to the contrary, be presumed to be performed on her separate account.

Earnings of minors.

Payments to minors valid, when.

SECTION 299. The wages of a minor employed in service may be paid to him until the parent or guardian entitled thereto gives the employer notice that he claims such wages.

PENAL CODE.

Certain employments of children forbidden.

Acrobatic and mendicant occupations.

SECTION 472. Any person, whether as parent, relative, guardian, employer or otherwise, having in his care, custody or control any child under the age of sixteen years, who shall sell, apprentice, give away, let out or otherwise dispose of any such child to any person, under any name, title or pretense, for the vocation, use, occupation, calling, service, or purpose of singing, playing on musical instruments, rope walking, dancing, begging or peddling in any public street or highway, or in any mendicant or wandering business whatever, and any person who shall take, receive, hire, employ, use or have in custody any child for such purposes, or either of them, is guilty of a misdemeanor.

ACTS OF 1905.

CHAPTER 96.—*Enforcement of laws—Bureau of child and animal protection.*

Powers of secretary of bureau.

SECTION 10 (as amended by chapter 19, Acts of 1907). The secretary of the bureau of child and animal protection is hereby vested with authority to make arrests of any person, or persons, violating any provisions of the laws relating to wrongs to children and dumb animals, and is hereby further vested with the authority to enter workshops, factories, stores, mines, mills and smelters, and all other places where children may be employed, and do what may be necessary in the way of investigation, or otherwise, to enforce the laws pertaining to minor children and animals.

ACTS OF 1907.

CHAPTER 99.—*Age limit of children.*

Age limit.

SECTION 1. Any person, company, firm, association, or corporation engaged in business in this State, or any agent, officer, foreman or other employee having control or management of employees, or having the power to hire or discharge employees, who shall knowingly employ or permit to be employed any child under the age of sixteen years, to render or perform any service or labor, whether under contract of employment or otherwise, in, on, or about any mine, mill, smelter, workshop, factory, steam, electric, hydraulic, or compressed air railroad, or passenger or freight elevator, or where any machinery is operated, or for any telegraph, telephone or messenger company, or in any occupation not herein enumerated which is known to be dangerous or unhealthful, or which may be in any way detrimental to the morals of said child, shall be guilty of a misdemeanor and punishable as hereinafter provided.

Hiring out children.

SEC. 2. Any parent, guardian or other person having the care, custody or control of any child under the age of sixteen years, who shall permit, suffer or allow any such child to work or perform service for any person, company, firm, association or corporation doing business in this State, or who shall permit or allow any such child over whom he has such care, custody or control, to retain such employment as is prohibited in section one of this act, whether under contract of employment or not, shall be guilty of a misdemeanor and punishable as hereinafter provided.

List of children.

SEC. 3. The commissioner of the bureau of agriculture, labor and industry shall compile and preserve in his office from reports made to him by the county superintendent of schools, as otherwise provided, a full and complete list of the name, age, date of birth and sex of each child, and the names of the parents or guardians of each child under the age of sixteen years who is now or may hereafter become a resident of this State, and such list shall be the official record of the age of children in this State.

SEC. 4. Upon attaining the age of sixteen years any child may make application to the commissioner of the bureau of agriculture, labor and industry for an age certificate, which must be presented to any employer with whom such child may seek employment. The employer, if such employment be given, must countersign the certificate, and return the same to the commissioner of said bureau, who shall keep the same on file in his office. Certificate.

Any person, firm, company, association or corporation who employs or permits to be employed in any occupation prohibited in section one of this act, any child without such certificate showing the child to be at least sixteen years of age, shall be guilty of a misdemeanor and punishable as hereinafter provided. Should such child prove to be less than sixteen years of age [sic].

SEC. 5. To enforce this act the commissioner of the bureau of agriculture, labor and industry, the bureau of child and animal protection and all county attorneys shall, each upon thier [their] own volition, or upon the sworn complaint of any reputable citizen that this act is being violated, make prosecutions for such violations. Enforcement.

SEC. 6. Every person, firm, company, association or corporation who violates any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than thirty days nor more than six months, or by both such fine and imprisonment. Penalty.

NEBRASKA.

COMPILED STATUTES OF 1881—TENTH EDITION, 1901.

Earnings of married women.

SECTION 3662. * * * The earnings of any married woman, from her trade, business, labor, or services, shall be her sole and separate property, and may be used and invested by her, in her own name. Earnings separate property.

Employment of children—School attendance.

SECTION 4853 (as amended by chapter 131, Acts of 1907). In school districts other than city and metropolitan city school districts every person having legal or actual charge or control of any child or children or youth not less than seven nor more than fifteen years of age shall, during each school year between the second Monday of July and the last Monday of June following, cause such child or children or youth to attend the public day schools for a period of not less than twelve weeks, and if the public day school of the school district in which said person or persons having charge or control of such child or children or youth may reside shall be in session during the school year between the second Monday of July and the last Monday of June following more than twelve weeks, then the person having legal control of such child or children or youth shall cause each of them to attend such public day school not less than two-thirds of the entire time that said school shall be in session during the school year as aforesaid; and in no case shall such attendance be for a less period than twelve weeks. Attendance required.

In city and metropolitan city school districts every person residing within such school district who has legal or actual charge or control of any child or children or youth not less than seven nor more than sixteen years of age shall cause such child or children or youth to attend the public day school for the full period each school year in which the public day schools of such school district are in session.

The portion of this act requiring attendance in public day school shall not apply in any case where the child or youth is, for a time equal to that required by this act, instructed in some private or parochial school; or in any case where the child is instructed at home or elsewhere by a person qualified to give instruction in the studies required to be taught in the public schools; or in any case where the child or youth, being of the age of fourteen years, is legally and regularly employed for his own support or the support of those actually dependent upon him; or in any case where the child or youth is physically or mentally in- Exemptions.

capacitated for the work done in the schools; or in any case where the child or youth lives more than two miles from the school by the nearest practicable traveled road, unless free transportation to and from such school is furnished to such child or youth.

In case exemption is claimed on account of mental or physical incapacity, the school authorities shall have the right to employ a physician or physicians who shall have authority to examine such child or youth, and if such physician or physicians shall declare that such child or youth is capable of undertaking the work of the schools, then such child or youth shall not be exempt from the requirements of this act.

In case exemption is claimed and granted on account of a child or youth of the age of fourteen years being legally and regularly employed for his own support or the support of those dependent upon him, such child or youth may, in the discretion of those charged with enforcement of this act, be required to attend a public evening school or some other suitable school for not less than two hours each school day and not less than three days each week for a school year of not less than twenty weeks.

Evening schools.

Employment of women.

Hours of labor of females.

SECTION 6942a. No female shall be employed in any manufacturing, mechanical or mercantile establishment, hotel or restaurant in this State, more than sixty hours during any one week and ten hours shall constitute a day's labor. The hours of each day may be so arranged as to permit the employment of such females at any time from six o'clock a. m. to ten o'clock p. m.; but in no case shall such employment exceed ten hours in any one day.

Night work.

Schedule to be posted.

SEC. 6942b. Every such employer shall post in a conspicuous place in every room where such females are employed, a printed notice, stating the number of hours work required of them each day of the week[,] the hours of commencing and stopping such work and the hours when the time or times allowed for dinner or for other meals begins and ends [sic]. Printed forms of said notice shall be furnished by the deputy labor commissioner, and the form of such notice approved by the attorney-general of this State.

Seats.

SEC. 6942c. Every such employer in such establishment, shall provide suitable seats for the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Penalty.

SEC. 6942d. Any employer, overseer, superintendent or other agent of any such employer who shall violate any of the provisions of this act, shall be fined for each offense in a sum not less than twenty dollars nor more than fifty dollars; and it is hereby made the duty of the deputy labor commissioner to enforce the provisions of this act: *Provided, however,* That nothing in this act shall be construed to prevent any other person from enforcing its provisions.

This act (sections 6942a to 6942d) is constitutional. 91 N. W. Rep. 421.

ACTS OF 1907.

CHAPTER 66.—*Employment of children—General provisions.*

Age limit.

SECTION 1. No child under fourteen years of age shall be employed, permitted or suffered to work in, or in connection with, any theater, concert hall, or place of amusement, or any place where intoxicating liquors are sold, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory or workshop, or as a messenger or driver therefor, within this State. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever during the hours when the public schools of the town, township, village or city in which the child resides are in session.

Certificate.

SEC. 2. No child between fourteen and sixteen years of age shall be employed, permitted or suffered to work in any theater, concert hall, or place of amusement, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, bowling alley, passenger or freight elevator, factory, or workshop, or as a messenger or driver

therefor within this State, unless the person or corporation employing him procures and keeps on file and accessible to the truant officers of the town or city, the State commissioner of labor and his deputies, and the members of the State board of inspection, an employment certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such children are employed. Upon the termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith transmitted by the employer to the city or county superintendent of schools of the county in which the child resides, and shall be turned over to the child named therein upon demand. Any truant officer, the State commissioner of labor, or his deputies, or any member of the States board of inspection may make demand on any employer in whose place of business a child apparently under the age of sixteen years, is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this section, that such employer shall either furnish him within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such place of business. The same evidence of the age of such child may be required from such employer as is required on the issuance of an employment certificate as hereinafter provided; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to the truant officer, the State commissioner of labor, or deputy State commissioner of labor, or member of the State board of inspection, within ten days after demand for the same, such evidence of the age of any child as may be required of him under the provisions of this act, and shall thereafter continue to employ such child or permit or suffer such child to work in such place of business, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence, in any prosecution brought for a violation of this section, that such child is under sixteen years of age and is unlawfully employed.

Enforcement.

SEC. 3. An employment certificate shall be approved only by the superintendent of schools of the school corporation in which the child resides, or by a person authorized by him in writing, or where there is no superintendent of schools, by a person authorized by the school district officers: *Provided*, That no school district officer or other person authorized as aforesaid shall have authority to approve such certificate for any child then in, or about to enter, his own employment, or the employment of a firm or corporation of which he is a member, officer or employee, or in whose business he is interested. The officer or person approving such certificate shall have authority to administer the oath provided for therein or in any investigation or examination necessary for the approval thereof. No fee shall be charged for approving any such certificate nor for administering any oath or rendering any services therein in respect thereto. The board of directors of each school corporation shall establish and maintain proper records where copies of all such certificates and all documents connected therewith shall be filed and preserved and shall provide the necessary clerical service for carrying out the provisions of this act.

By whom approved.

SEC. 4. The person authorized to issue an employment certificate shall not issue such certificate until he has received, examined, approved, and filed the following papers, duly executed: (1) The school record of such child, properly filled out and signed as provided in this act, showing that the child has completed the work of the eighth grade of the public schools, or its equivalent, or is regularly attending night school in compliance with section eight (8) of this act. (2) A passport, or duly attested transcript of the certificate of birth or baptism, or other religious or official record, showing the date and place of birth of such child. A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics, or other officer charged with the duty of recording births, shall be conclusive evidence of the age of such child. (3) The affidavit of the parent, or guardian, or custodian of a child, which shall be required,

Issue of certificates.

however, only in case none of the documents mentioned in clause two (2) of this section can be produced and filed, showing the place and date of birth of such child; which affidavit must be taken before the officer issuing the employment certificate. Such employment certificate shall not be issued until such child has personally appeared before, and been examined by, the officer issuing the certificate and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language, and that, in his opinion, the child is fourteen years of age, or upwards, and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health, or by a physician provided by the State board of inspection. Whenever the person authorized to issue the employment certificate is in doubt about the age of a child, he may require the party or parties making application for the certificate to appear before the judge of the juvenile court, or county judge, where the question of the age of the child shall be determined and the judgment of the court shall be final and binding upon the person issuing the certificate. Notice of the hearing before the court shall be given to some one of the persons mentioned in section two authorized to demand inspection of employment certificates. Every employment certificate shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

Physical fitness.

Contents of certificates.

SEC. 5. Such certificate shall state the date and place of birth of such child and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

School record.

SEC. 6. The school record required by section four shall be signed by the teacher and principal of the school which such child has attended and shall be furnished, on demand to a child entitled thereto. It shall contain a statement certifying that the child has regularly attended the public schools, or schools equivalent thereto, or parochial schools for not less than three-fourths of the school year previous to his arriving at the age of fourteen years, or during the year previous to applying for such school record and is able to read and write simple sentences in the English language. It shall also state the amount of work completed by such child, measured by the grade of the public day schools in the city or county. Such school record shall also give the age and residence of the child as shown on the records of the school and the name of its parent, or guardian, or custodian.

Lists to be forwarded.

SEC. 7. The superintendent of schools or the school directors of any village, town, or county, shall transmit between the first and tenth day of each month to the office of the State commissioner of labor a list of the names of the children to whom certificates have been issued.

Evening schools.

SEC. 8. Regular attendance of a child at any public evening school, maintained in any city or village where instruction is given not less than twenty weeks each year and three evenings each week and two hours each evening, shall authorize the issuance of a certificate of employment where the schooling certificate fails to show that the child has completed the work of the eighth grade, required by section six: *Provided*, The schooling certificate and all other certificates are otherwise in due form and the applicant further produces a certificate from the superintendent, or principal, of such public evening school, showing the regular attendance of such child at such evening school: *And provided further*, Every child employed under such certificate shall furnish to his employer a weekly certificate showing regular attendance each week while the evening school is in session. Whoever employs a child in violation of the provisions of this section shall be fined not more than fifty dollars ($50.00) for each offense. A parent, guardian or custodian who permits a child under his control to be employed in violation of the provisions of this section shall be fined not more than twenty dollars ($20.00).

Forms.

SEC. 9. The age and schooling certificate provided for herein shall be made out upon blank forms furnished by the State commissioner of labor and shall be in the following forms:

SCHOOL ATTENDANCE CERTIFICATE.

(Name of school), (city or town), NEBRASKA, (date)

This certifies that (name of child) has completed the work of the —th grade, and can read and write legibly simple sentences in the English language.

This also certifies that according to the records of this school and in my belief the said (name of child) was born at (city or town), in ——— county, State of ———, on the (date), and is now —— years and —— months old, and has attended said school within the past twelve months the following period ———.

(Name of parent or guardian),
(Residence.)
(Signature) ——— ———, teacher.
(Signature) ——— ———, principal.

AGE AND SCHOOLING CERTIFICATE.

(City or town), NEBRASKA, (date).

This certifies that I am the (father, mother, guardian, or custodian, of (name of child) and that —— was born at ———, in ———county, State of ———, on the ———, and is now —— years and —— months old.

(Signature of father, mother, guardian, or custodian).

(Name of city or town), NEBRASKA, (date).

There personally appeared before me, the above-named (name of person signing), and being sworn testified that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge or belief.

I hereby approve the foregoing certificate of (name of child), height —— feet —— inches, weight —— pounds —— ounces, complexion (fair or dark), hair (color), eyes (color), having no sufficient reason to doubt that (he or she) is of the age herein certified.

I hereby certify that (he or she) (can or can not) read at sight and write legibly simple sentences in the English language; that said child has appeared before me and been personally examined by me; that all certificates and papers required by law have, in due form, been presented to, and approved by, me and the same have been placed on file.

(In case the child is attending school insert here the following:)

I further certify that (he or she) is regularly attending the (name of school).

This certificate shall continue in force only so long as the regular attendance of said child at said school is certified weekly by a teacher thereof.

This certificate belongs to (name of child) and is to be surrendered to the superintendent of schools whenever (he or she) leaves the service of the person, firm, or corporation holding the same as employer.

(Signature and official title of person
authorized to approve and sign).

EVENING SCHOOL ATTENDANCE CERTIFICATE.

This certifies that (name of child) is registered in and regularly attends the ——— evening school. This also certifies that according to the records of my school and in my belief (name of child) was born at (name of city or town), on the —— day of ———, 1——, and is now —— old.

(Name of parent or guardian).

(Signature of teacher).
(Signature of principal).

Duplicate copies of such certificates shall be retained in all cases by the person or officer issuing the same and kept on file by the superintendent of schools or school district directors of the county in which the same are issued.

Hours of labor.

SEC. 10. No person under the age of sixteen years shall be employed or suffered or permitted to work in any theater, concert hall, or place

of amusement, or in any mercantile institution, store, office, hotel, laundry, manufacturing establishment, packing house, bowling alley, passenger or freight elevator, factory, workshop, beet field, or as a messenger or driver therefor, more than forty-eight hours in any one week, nor more than eight hours in any one day, nor before the hour of six o'clock in the morning, nor after the hour of eight o'clock in the evening. Every employer shall post in a conspicuous place in every room where such children are employed a printed notice stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner or for other meals begin and end. The printed form of such notice shall be furnished by the State commissioner of labor.

Night work.

Violations.

SEC. 11. Whoever employs a child under sixteen years of age and whoever, having under his control a child under such age, permits such child to be employed in violation of section one (1), two (2), ten (10) or twelve (12) of this act shall for each offense be fined not more than fifty dollars ($50.00); and whoever continues to employ any child in violation of either of said sections of this act, after being notified by a truant officer, or a deputy commissioner of labor, or a member of the State board of inspection, shall for every day thereafter that such employment continues be fined not less than five dollars ($5.00) nor more than twenty dollars ($20.00). The failure of an employer of child labor to produce, upon the request of a person authorized to demand the same, any employment certificate or list required by this act, shall be prima facie evidence of the illegal employment of any child whose employment certificate is not produced or whose name is not listed. Any corporation or employer retaining employment certificates in violation of section 2 of this act shall be fined ten dollars ($10.00). Every person authorized or required to sign any certificate or statement prescribed by sections four (4) or five (5) of this act, or who knowingly certifies or makes oath to any material false statement therein or who violates either of said sections, shall be fined not to exceed fifty dollars ($50.00). Every person, firm or corporation, agent or manager, superintendent or foreman of any person, firm or corporation who shall refuse admittance to any officer or person authorized to visit or inspect any premises or place of business under the provisions of this act and to produce all certificates and lists he may have, when demanded, after such person shall have announced his name and the office he holds and the purpose of his visit, or shall otherwise obstruct such officers in the performance of their duties as prescribed by this act, shall be guilty of a misdemeanor and upon conviction, shall be fined in any sum not exceeding fifty dollars ($50.00), or be imprisoned not to exceed thirty days. The presence of a child under sixteen years of age, apparently at work, in any of the places of business enumerated in section one (1) of this act shall be prima facie evidence of his employment therein. It shall be the duty of the deputy commissioner of labor and the several truant officers to enforce the provisions of this act and every county attorney, when informed by any officer or person authorized to inspect places where child labor is employed, that any of the provisions of this act have been violated, shall file or cause to be filed information against the person or persons guilty of such offense and cause the arrest and prosecution of the same: *Provided*, That nothing in this act shall prevent any other person from causing the enforcement of the provisions of this act. Truant officers shall visit the places of business enumerated in section one (1) of this act to ascertain whether any children are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the commissioner of labor and to the county attorney.

Enforcement.

Board of inspectors.

SEC. 12. It is hereby made the duty of the governor, immediately upon the passage of this act, to appoint five persons, two, at least, of whom shall be women who shall constitute the board of inspectors and who shall serve without compensation. The term for which such inspectors shall serve is hereby made one, two, three, four and five years, respectively. The appointment shall designate the term for which each inspector is appointed. The governor shall, each year, appoint one person to serve for a period of five years and shall also fill any vacancy

on the board. The chairman shall be the executive head of the board and shall reside in the county employing the largest number of children under the age of sixteen years. Any member of the board of inspectors shall have power to demand the examination, by some regularly licensed physician, to be selected by the board, of any child under sixteen years of age who may seem physically unable to perform the labor at which such child may be employed, and no child under sixteen shall be employed who can not obtain a certificate of fitness from such physician.

Dangerous, etc., employments.

SEC. 13. No child under the age of sixteen years shall be employed in any work which by reason of the nature of the work, or place of performance, is dangerous to life or limb or in which its health may be injured or its morals may be depraved. Any parent, guardian, or other person, who, having under his control any child, causes or permits said child to work or be employed in violation of this section shall be guilty of a misdemeanor and upon conviction shall be fined not more than fifty dollars ($50.00), or be imprisoned not exceeding ten days.

NEVADA.

COMPILED LAWS—1899.

Earnings of married women.

Earnings separate property.

SECTION 522. The earnings of the wife are not liable for the debts of the husband.

NEW HAMPSHIRE.

PUBLIC STATUTES OF 1891.

CHAPTER 92.—*Employment of children during school term.*

Enforcement of laws.

SECTION 18 (as amended by chapter 70, Acts of 1899). Truant officers shall, if required by the school board, enforce the laws prohibiting the employment of children in manufacturing, mechanical, or mercantile establishments who have not attended school the prescribed time; and for this purpose, they may, when so authorized and required by vote of the school board, visit the manufacturing, mechanical, and mercantile establishments in their respective cities and towns, and ascertain whether any children under the age of sixteen are employed therein contrary to the provisions of law, and they shall report any cases of such illegal employment to the school board; and the truant officers, when authorized as aforesaid, may demand the names of all children under sixteen years of age employed in such manufacturing, mechanical, and mercantile establishments, and may require that the certificates and lists of such children provided for by law shall be produced for their inspection. Truant officers shall inquire into the employment, otherwise than in such manufacturing, mechanical, and mercantile establishments, of children under the age of sixteen years, during the hours when the public schools are in session, and may require that the certificates of all children under sixteen shall be produced for their inspection; and any such officer may bring a prosecution against a person or corporation employing any such child, otherwise than as aforesaid, during the hours when the public schools are in session, contrary to the provisions of law. A refusal or failure on the part of an employer of children under sixteen years of age to produce the certificate required by law, when requested by a truant officer, shall be prima facie evidence of the illegal employment of the child whose certificate is not produced. Truant officers shall have authority without a warrant to take and place in school any children found employed contrary to the laws relating to the employment of children, or violating the laws relating to the compulsory attendance at school of children between the ages of six and sixteen years.

Certificates.

CHAPTER 93.—*Employment of children.*

Age limit.

SECTION 10 (as amended by chapter 61, Acts of 1901). No child under the age of twelve years shall be employed in any manufacturing establishment. No child under the age of fourteen years shall be

employed in any manufacturing establishment, nor in any mechanical, mercantile, or other employment during the time in which the public schools are in session in the district in which he resides.

Employment during school time.

SEC. 11 (as amended by chapter 61, Acts of 1901). No child under the age of sixteen years shall be employed in any manufacturing establishment, or in any mechanical, mercantile, or other employment, during the time in which the public schools are in session in the district in which he resides, without first presenting a statement of his age from his parent or guardian, sworn to before the superintendent of schools or, if there is no superintendent of schools, by some person authorized by the school board of the district in which such child is employed.

Certificates.

And no child under the age of sixteen years shall be employed as aforesaid during the time in which the public schools are in session in the district in which he resides without first presenting a certificate from the superintendent of schools or, if there is no superintendent of schools, some person authorized by the school board, that such child can read at sight and write legibly simple sentences in the English language. And any superintendent of schools or person authorized by the school board who certifies falsely as to matters prescribed by this section shall be fined not less than twenty nor more than fifty dollars for each offense.

Illiterates.

SEC. 12 (as amended by chapter 61, Acts of 1901). No minor shall be employed in any manufacturing establishment, or in any mechanical, mercantile, or other employment, who can not read at sight and write legibly simple sentences in the English language, while a free public evening school is maintained in the district in which he resides, unless he is a regular attendant at such evening school or at a day school: *Provided*, That upon presentation by such minor of a certificate signed by a regular practicing physician, and satisfactory to the superintendent of schools, or, where there is no superintendent of schools, the school board, showing that the physical condition of such minor would render such attendance in addition to daily labor prejudicial to his health, said superintendent of schools or school board shall issue a permit authorizing the employment of such minor for such period as said superintendent of schools or school board may determine. Said superintendent of schools or school board, or teachers acting under authority thereof, may excuse any absence from such evening school arising from justifiable cause. Any parent, guardian, or custodian who permits to be employed any minor under his control in violation of the provisions of this section shall forfeit not more than twenty dollars for the use of the evening schools of such town or city.

Penalty.

SEC. 13 (as amended by chapter 61, Acts of 1901). If any owner, agent, superintendent, or overseer of a manufacturing, mechanical, or mercantile establishment, or any other person, shall employ any child in violation of the provisions of either of the three preceding sections, he shall be fined not exceeding fifty dollars for each offense, for the use of the district.

Enforcement.

SEC. 18. It shall be the duty of the school board to prosecute offenders for violations of the provisions of this chapter. If they neglect to perform this duty they shall forfeit twenty dollars for each neglect, for the use of the district, to be recovered in the name of the district by the selectmen of the town. All necessary expenses incurred in such proceedings shall be paid by the district.

Limitation.

SEC. 19. No prosecution under this chapter shall be sustained unless begun within one year after the offense is committed.

CHAPTER 176.—*Earnings of married women.*

Earnings separate property.

SECTION 1. Every woman shall hold to her own use, free from the interference or control of any husband she may have, all property at any time earned, * * * if such earning, * * * were not occasioned by payment or pledge of the property of the husband.

CHAPTER 180.—*Hours of labor of women and children.*

Hours of labor.

SEC. 14 (as enacted by chapter 94, Acts of 1907). No woman and no minor under eighteen years of age shall be employed in a manufacturing or mechanical establishment for more than nine hours and forty min-

utes in one day except in the following cases: I. To make a shorter day's work for one day in the week. II. To make up time lost on some day in the same week in consequence of the stopping of machinery upon which such person was dependent for employment. III. When it is necessary to make repairs to prevent interruption of the ordinary running of the machinery. In no case shall the hours of labor exceed fifty-eight in one week.

Schedule to be posted.

SEC. 15. The proprietors of every such establishment shall keep posted in a conspicuous place in every room where such persons are employed a notice printed in plain, large letters, stating the exact time of beginning and of stopping work in the forenoon and in the afternoon, and the number of hours' work required of them each day of the week.

Penalty.

SEC. 16. If any owner, agent, superintendent, or overseer of any such establishment shall willfully violate the provisions of either of the two preceding sections, he shall be fined not exceeding fifty dollars for each offense.

Certificate.

SEC. 17. A certificate of the age of a minor, made by him and by his parents or guardian and presented to the employer at the time the minor is employed, shall be conclusive evidence of his age upon a prosecution for the violation of the provisions of section fourteen.

False statement.

SEC. 18. If any person shall make and utter a false certificate in regard to the age of a minor, with intent to evade the provisions of this chapter, he shall be fined twenty-five dollars, or be imprisoned thirty days, or both, for each offense.

Limitation.

SEC. 19. * * * Prosecutions under sections sixteen and eighteen shall be barred unless begun within one year after the offense was committed.

CHAPTER 265.—*Certain employments of children forbidden.*

Acrobatic, etc., occupations.

SECTION 3. If any person shall employ or exhibit a child under the age of fourteen years in dancing, playing on musical instruments, singing, walking on a wire or rope, or riding or performing as a gymnast, contortionist, or acrobat in any circus or theatrical exhibition, or in any public place whatsoever, or shall cause, procure, or encourage any such child to engage therein, or if any person having the custody or control of any such child shall permit him to be so employed, such person shall be fined not exceeding one hundred dollars; but nothing in this section shall be construed to prevent the education of children in vocal and instrumental music, or their employment as musicians in any church, chapel, or school, or school exhibition, or to prevent their taking part in any concert or musical exhibition.

ACTS OF 1895.

CHAPTER 16.—*Seats for female employees.*

Seats to be provided.

SECTION 1. Every person, firm, or corporation employing females in any manufacturing, mechanical, or mercantile establishment in this State, shall provide suitable seats for the use of the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Penalty.

SEC. 2. Any person, firm, or corporation violating any of the provisions of this act shall be punished by a fine of not less than ten dollars nor more than thirty dollars for each offense.

ACTS OF 1903.

CHAPTER 95.—*Employment of women and minors in barrooms.*

Employment prohibited.

SECTION 17 (as amended by chapter 49, Acts of 1905). It shall not be lawful

* * * * *

2. To permit any girl or woman * * * to sell or serve any liquor on the premises; or to permit any male person under the age of twenty-one years to sell or serve any liquor on the premises, except to bona fide registered guests in their rooms and in dining rooms with meals under licenses of the first class.

* * * * *

NEW JERSEY.

GENERAL STATUTES—1895.

Seats for female employees.

(Page 1675.)

Seats to be provided.

SECTION 217. Every person or corporation employing female employees in any manufacturing, mechanical or mercantile establishment in this State shall provide suitable seats for the use of the female employees so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Penalty.

SEC. 218 (as amended by chapter 192, Acts of 1898). Any person or corporation who shall be guilty of any violation of the provisions of this act shall be liable to a penalty of fifty dollars for each offense: *Provided*, That ten days' notice in writing shall be given by any person or persons who may choose to do so, to any person or persons or corporation violating this act, that they are required to comply with the provisions of the first section of this act [sec. 217], and any person or corporation failing to comply therewith upon or before the expiration of ten days from the date of service of such notice, shall be liable to the said penalty of fifty dollars for each offense, to be recovered in an action of debt in any district court in any city or before any justice of the peace having jurisdiction in civil causes; * * *

Earnings of married women.

(Page 2013.)

Earnings separate property.

SECTION 4. The wages and earnings of any married woman, acquired or gained by her * * * , in any employment, occupation, or trade in which she is employed, and which she carries on separately from her husband, and all investments of such wages, earnings, money, or property, shall be her sole and separate property, as though she were a single woman.

Hours of labor in factories, etc.

(Page 2350.)

Hours of labor.

SECTION 66. * * * , fifty-five hours shall constitute a week's work in any factory, workshop, or establishment where the manufacture of any goods whatever is carried on; and the periods of employment shall be from seven o'clock in the forenoon until twelve o'clock noon, and from one o'clock in the afternoon until six o'clock in the evening of every working day except Saturday, upon which last named day the period of employment shall be from seven o'clock in the forenoon until twelve o'clock noon.

Women and children.

SEC. 67. No person under the age of eighteen years, male or female, and no woman above that age shall be employed in any factory, workshop, or manufacturing establishment except during the periods of employment hereinbefore mentioned: *Provided*, That the provisions in this act in relation to the hours of employment shall not apply to or affect any person engaged in preserving perishable goods in fruit canning establishments or in any factory engaged in the manufacture of glass.

Proviso.

Enforcement.

SEC. 68. The inspector of factories shall investigate any reported violation of the provisions of this act and of the act to which this is a supplement, after it has been discovered by him or brought to his notice, and may proceed against the violator or violators in the manner prescribed by the act to which this is a supplement.

Penalty.

SEC. 69. Any manufacturer or other employer who shall violate any of the provisions of this act shall be liable to a penalty of one hundred dollars for each offense, to be recovered in the same way and for the same purpose as prescribed in the act to which this is a supplement.

Employment of children—School attendance.

(Page 3039.)

School attendance required.

SECTION 146. No child under the age of fifteen years shall be employed by any person, company or corporation to labor in any business

whatever, unless such child shall have attended within twelve months immediately preceding such employment, some public day or night school, or some well-recognized private school; such attendance to be for five days or evenings every week during a period of at least twelve consecutive weeks, which may be divided into two terms of six consecutive weeks each, so far as the arrangement of school terms will permit, and unless each [such] child or his or her parents or guardians shall have complied with the provisions of the act approved March fifth, eighteen hundred and eighty-three, limiting the employment hours of the labor of children.

Act of March fifth, eighteen hundred and eighty-three, repealed, apparently superseded by chapter 64, Acts of 1904.

ACTS OF 1896.

CHAPTER 181.—*Night work of children in bakeries.*

Night work prohibited.

SECTION 10 (added by chapter 64, Acts of 1903). No person under the age of eighteen years shall be employed, or required, permitted or suffered to work, in a biscuit, bread or cake bakery between the hours of seven o'clock in the afternoon and seven o'clock in the forenoon.

ACTS OF 1898.

CHAPTER 235.—*Certain employments of children forbidden.*

Acrobatic, mendicant, etc., occupations.

SECTION 56. Any person who, whether as parent, relative, guardian, employer, or otherwise, having in his or her custody or control, lawfully or unlawfully, any minor child under the age of eighteen years, who shall sell, apprentice, give away, let out, employ, hire or otherwise dispose of such minor or minors for the purpose of begging, singing and playing on a musical instruments [instrument], ropewalking, dancing, or for any mendicant or wandering business whatsoever, or in any immoral conduct or occupation in the streets, roads and other highways or public places of this State, and any person who shall take, receive, hire, employ, use or have in custody any such minor or minors, under the age of eighteen years, and use or employ him, her or them in any such purpose, or any of them, for any mendicant or immoral business whatsoever, either in public or private places within this State, shall be guilty of a misdemeanor, and punished accordingly; and if, upon such conviction, the minor or minors shall have no home or means of support and no one to take proper care of him, her or them, the court may, in its discretion, if it shall appear a humane and proper thing to do, commit such minor or minors to the State reform school for boys, or the State industrial school for girls, until such minor or minors attain the age of eighteen years, or for a less age, in the discretion of the court.

ACTS OF 1904.

CHAPTER 64.—*Employment of children.*

Age limit.

SECTION 1. No child under the age of fourteen years shall be employed, allowed or permitted to work in any factory, workshop, mill or place where the manufacture of goods of any kind is carried on; any corporation, firm, individual, parent, parents or custodian of any child who shall violate any of the provisions of this section, shall be liable to a penalty of fifty dollars for each offense.

Definition.

SEC. 2. The word custodian as used in this act shall include any person, organization or society having the legal custody of a child.

Evidence.

SEC. 3. If at the time of the employment of a child, the proofs of age specified in subdivisions I. and II. of this section, are filed with the corporation, firm or person employing the child, such proofs shall be conclusive evidence of the age of child in a suit against such employer for a violation of section 1: *Provided, however*, That correct copies of all papers, certificates, passports and affidavits relating to such employment shall be mailed, postage prepaid, to the department having charge of the enforcement of this act, at Trenton, New Jersey, within twenty-four hours after the same are filed, together with a statement of the legal name of the person, firm or corporation employing such child.

I. NATIVE BORN CHILDREN.

The parent, parents or custodian shall make and swear to an affidavit before some officer authorized by the law of this State to take affidavits, setting forth the following facts: The name of the child in full; his or her residence, giving street and number; place where and year, month and day when born; name of father; maiden name of mother; church attended, if any; school last attended and time when, if any, and where the church and school are situated; if child was baptized, name and location of church or parish in which such baptism took place; there must accompany such affidavit a transcript of the record of the child's birth; duly attested by an officer having by law the authority to keep records of birth in the State, county, town or city in which the child was born; if no such birth record can be obtained and the child was baptized, then a certified copy of the baptismal record of the church or parish in which such baptism took place, duly certified as a true copy, under the hand of the person having the custody of such church or parish records, shall accompany the affidavit, and the affidavit shall set forth the age of child at time of baptism.

II. FOREIGN BORN CHILDREN.

An affidavit to be made by the same persons and containing the same statement of facts as in the case of native born children, with an additional statement that the child named in the affidavit is the same mentioned and described in the passport under which the child was admitted to this country; a true copy of said passport must in all cases be attached to the affidavit.

III. OTHER CHILDREN.

The commissioner shall have power to issue permits of employment to children upon the production of evidence of the child's age satisfactory to him: *Provided*, That he shall first be satisfied that the child can not obtain a transcript of birth record, a baptismal certificate or passport, as provided in either subdivision I. or II.

Records as evidence.

SEC. 4. In any suit brought to recover a penalty for violation of section one of this act, a copy of the baptismal record, certified to be a true copy under the hand of the person having the custody of such records for the church or parish in which such child was baptized, shall be prima facie evidence of the child's age (provided, that in case the age of the child is not set forth in the baptismal record, that there shall be other proof showing the age of the child at the time he or she was baptized).

Enforcement.

SEC. 5. The commissioner, assistant or any inspector is hereby empowered to demand of any parent, parents or custodian, proof of the age of a child satisfactory to the commissioner, and such parent, parents or custodian shall, within five days after such demand is made, furnish to such officer proofs of such child's age; and in event of the failure to procure and furnish such proof of age, such child shall be discharged by his or her employer upon notice in writing signed by the commissioner, and shall not be reemployed until such proof of age shall have been furnished to the commissioner; any person violating the provisions of this section shall be liable to a penalty of fifty dollars for each offense.

False statements.

SEC. 6. Any one who shall swear falsely to any affidavit or present any certificate or passport which he or she knows to be false, and any person or persons who shall aid, assist or advise the making of a false affidavit or the obtaining of a false certificate or passport, shall be liable to a penalty of fifty dollars for each offense.

Physical fitness.

SEC. 7. The commissioner, assistant or the inspectors shall have power to demand a certificate of physical fitness from some regular practicing physician in the case of minors under the age of sixteen years, who, in the judgment of such officer, shall be physically unable to do the work in which such minor is employed, and shall

have the power to prohibit the employment of such minor until he or she shall produce a certificate of physical fitness; and any manufacturer or employer who shall retain in his employ a minor after such certificate shall be demanded, shall be liable to a penalty of twenty-five dollars.

Register.

SEC. 8. A corporation, firm or person, owning or operating a place coming under the provisions of this act and employing, allowing or permitting minors under the age of sixteen years to work therein, shall keep or cause to be kept in the main office of such place, in the town or city where such place is located, a register in which shall be recorded the names, places of residence and time of employment of all such minors working under certificates, transcripts, passports or affidavits; such registers and certificates, transcripts and affidavits shall be produced for inspection upon demand of the commissioner, assistant or any of the inspectors; truant officers shall have the same right as inspectors to examine such registers and the certificates, transcripts, passports or affidavits, when authorized in writing so to do by the commissioner; any corporation, firm or person failing to keep such register or refusing to permit the persons herein authorized to inspect the same or the certificates, transcripts, passports or affidavits, shall be liable to a penalty of fifty dollars for each offense.

Hours of labor.

SEC. 9. No minor under the age of sixteen years shall be employed, permitted or allowed to work in places coming under the provisions of this act, more than ten hours in a day or fifty-five hours in a week; any corporation, firm or person permitting or allowing any violation of the provisions of this section, shall be liable to a penalty of fifty dollars for each offense.

Cleaning moving machinery.

SEC. 21. No minor under sixteen years of age shall be required, allowed or permitted to clean any part of the gearing or machinery in any place coming under the provisions of this act, while the same is in motion, or to work between the fixed or traversing parts of any machinery while it is in motion by the action of steam, water or other mechanical power.

Water-closets.

SEC. 23. Every factory, workshop or mill shall contain sufficient, suitable, convenient and separate water-closets for each sex, which shall be properly screened, ventilated and kept clean; and also a suitable and convenient wash room; the water-closets used by women shall have separate approaches; if women or girls are employed, a dressing room shall be provided for them when ordered by the commissioner.

Rooms to be limewashed.

SEC. 24. Factories and workshops in which women and children are employed, and where dusty work is carried on, shall be limewashed or painted at least once in every twelve months.

ACTS OF 1907.

CHAPTER 229.—*Employment of children—General provisions.*

Hours of labor.

SECTION 1. No child under the age of sixteen years shall be employed, allowed or permitted to work in or in connection with any mercantile establishment more than fifty-eight hours in any one week, or before seven o'clock in the morning or after seven o'clock in the evening of any day (excepting one day in the week, when such minors may be permitted to work until nine o'clock in the evening).

Night work.

The provisions of this section shall not apply to the employment of such persons between the fifteenth day and the twenty-fifth day of December inclusive, when such minors may be permitted to work until ten o'clock in the evening.

Enforcement.

SEC. 2. It shall be the duty of the commissioner of labor, the assistant or the inspectors to investigate and inspect such mercantile establishments coming under the intent and provisions of this act.

Lists to be kept.

SEC. 3. A corporation, firm or person owning or operating a place or places coming under the provisions of this act, and employing, allowing or permitting children actually or apparently under sixteen years of age to work therein, shall keep or cause to be kept in the main office of such place in the town or city in which such place is located, a register or record in which shall be recorded the name, place of residence and time of employment of all such minors employed therein, together with a transcript of the record of birth of such minors duly attested by

an officer having by law the authority to keep records of birth in the State, county or city in which such child was born; if no such birth certificate can be obtained, and the child was baptized, then a certified copy of the baptismal record of the church or parish in which such baptism took place, duly certified as a true copy under the hand of the person having the custody of such church or parish records, which shall set forth the age of the child at the time of baptism. In the case of foreign-born children, the same transcript of the record of the birth or baptismal certificate shall be required as is required of a native-born child, in addition to the passport under which such child was admitted to this country, or a true copy of the same. The commissioner of labor shall have power to issue permits of employment to children, upon the production of evidence of the child's age satisfactory to the commissioner: *Provided*, That he shall first be satisfied that the child can not obtain a transcript of the birth record or passport or a baptismal certificate as above provided; such registers, certificates and transcripts shall be produced for inspection upon demand of the commissioner, assistant or any of the inspectors; any corporation, firm or person failing to keep such registers, or refusing to permit the persons herein authorized to inspect the same, or the certificates, transcripts and passports, shall be liable to a penalty of fifty dollars for each offense.

Powers of commissioner.

SEC. 4. The commissioner, assistant or any inspector is hereby empowered to demand of any parent, parents, custodian or guardian, proof of the age of a child satisfactory to the commissioner, and such parent, parents, custodian or guardian shall, within five days after such demand is made, furnish to such officer proof of such child's age; and in the event of the failure to procure and furnish such proof of age, such child shall be discharged by his or her employer upon notice in writing signed by the commissioner, and shall not be reemployed until such proof of age shall have been furnished to the commissioner. Any person violating the provisions of this section shall be liable to a penalty of fifty dollars.

Proceedings.

SEC. 5. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the commissioner, to be instituted in any district court of a city, recorders' court of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons, which process shall be served upon the owner or owners, person or persons, or any of them, owning the place or operating the business wherein the alleged violation of law has taken place; if such owner or owners, person or persons, reside in the county where the offense was committed, or if the owner or owners, person or persons, do not reside in the county where the offense was committed, then said process shall be served on the superintendent,

Service.

foreman or person in charge of the business or place; service upon a corporation shall be made upon the president, vice president, secretary or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place; in case the owner or owners of a building reside within the limits of the county, then service of the process may be made upon the agent in charge of the building, and if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution, or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all money collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

NEW MEXICO.

ACTS OF 1907.

CHAPTER 37.—*Earnings of married women.*

SECTION 12. The earnings of the wife are not liable for the debts of the husband. Earnings separate property.

NEW YORK.

REVISED STATUTES—THIRD EDITION—1901.

Suits for wages by female employees—Costs—City of Brooklyn.

(Page 329.)

SECTION 16. In an action brought in a justice's court of the city of Brooklyn to recover a sum of money, for wages earned by a female employee other than a domestic servant, or for material furnished by such employee in the course of her employment, or in or about the subject-matter thereof, or for both, the plaintiff, if entitled to costs, recovers the sum of ten dollars as costs in addition to the costs allowed by title ninth of this chapter, unless the amount of damages recovered is less than ten dollars, in which case the plaintiff recovers the sum of five dollars as such additional costs. Where the employee is the plaintiff in such an action she is entitled, upon a settlement thereof, to the full amount of costs which she would have recovered if judgment had been rendered in her favor for the sum received by her upon the settlement. In such action brought in said court, if the plaintiff recover a judgment for a sum not exceeding fifty dollars, exclusive of costs, no property of the defendant shall be exempt from levy and sale, by virtue of an execution against property issued thereupon; and, if such an execution is returned wholly or partly unsatisfied, the clerk must, upon the application of the plaintiff, issue an execution against the person of the defendant for the sum remaining uncollected. A defendant arrested by virtue of an execution so issued against his person, must be actually confined in the jail and is not entitled to the liberties thereof; but he must be discharged after having been so confined fifteen days. After his discharge an execution against his person can not be again issued upon the judgment, but the judgment creditor may enforce the judgment against property as if the execution, from which the judgment debtor is discharged, had been returned without his being taken.

Special allowance of costs.

No exemptions.

Executions against person.

Certain employments of children forbidden.

(Page 428.)

SECTION 18. A person who employs or causes to be employed, or who exhibits, uses, or has in custody, or trains for the purposes of the exhibition, use or employment of, any child actually or apparently under the age of sixteen years; or who having the care, custody or control of such a child as parent, relative, guardian, employer, or otherwise, sells, lets out, gives away, so trains, or in any way procures or consents to the employment, or to such training, or use, or exhibition of such child; or who neglects or refuses to restrain such child from such training, or from engaging or acting, either

1. As a rope or wire walker, gymnast, wrestler, contortionist, rider or acrobat; or upon any bicycle or similar mechanical vehicle or contrivance; or,

2. In begging or receiving or soliciting alms in any manner or under any pretense, or in any mendicant occupation; or in gathering or picking rags, or collecting cigar stumps, bones or refuse from markets; or in peddling; or,

3. In singing; or dancing; or playing upon a musical instrument; or in a theatrical exhibition; or in any wandering occupation; or

Acrobatic, mendicant, etc., occupations.

4. In any illegal, indecent or immoral exhibition or practice; or in the exhibition of any such child when insane, idiotic, or when presenting the appearance of any deformity or unnatural physical formation or development; or

5. In any practice or exhibition or place dangerous or injurious to the life, limb, health or morals of the child, is guilty of a misdemeanor. But this section does not apply to the employment of any child as a singer or musician in a church, school or academy; or in teaching or learning the science or practice of music; or as a musician in any concert or in a theatrical exhibition, with the written consent of the mayor of the city, or the president of the board of trustees of the village where such concert or exhibition takes place. Such consent shall not be given unless forty-eight hours previous notice of the application shall have been served in writing upon the society mentioned in section two hundred and ninety-three of the Penal Code [any incorporated society for the prevention of cruelty to children], if there be one within the county, and a hearing had thereon if requested, and shall be revocable at the will of the authority giving it. It shall specify the name of the child, its age, the names and residence of its parents or guardians, the nature, time, duration and number of performances permitted, together with the place and character of the exhibition. But no such consent shall be deemed to authorize any violation of the first, second, fourth or fifth subdivisions of this section.

Employment of children during school term.

(Page 644.)

School attendance required.

SECTION 314 (as amended by chapter 585, Acts of 1907). Every child between eight and sixteen years of age, in proper physical and mental condition to attend school, shall regularly attend upon instruction at a school in which at least the common school branches of reading, spelling, writing, arithmetic, English grammar and geography are taught, or upon equivalent instruction by a competent teacher elsewhere than at school, as follows: Every such child between fourteen and sixteen years of age, not regularly and lawfully engaged in any useful employment or service, and in cities of the first and second class such child to whom an employment certificate has not been duly issued under the provisions of the labor law, and every such child between eight and fourteen years of age, shall so attend upon instruction as many days annually, during the period between the first days of October and the following June, as the public school of the district or city in which such child resides, shall be in session during the same period. Every boy between fourteen and sixteen years of age, in possession of the school record provided for in section four-a of this act and who is engaged in any useful employment or service in a city of the first class or a city of the second class and who has not completed such course of study as is required for graduation from the elementary public schools of such city, and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the regents of the university of the State of New York or the certificate of the completion of an elementary school issued by the education department, shall attend the public evening schools of such city, or other evening schools offering an equivalent course of instruction, for not less than six hours each week, for a period of not less than sixteen weeks in each school year or calendar year. If any such child shall so attend upon instruction elsewhere than at a public school, such instruction shall be at least substantially equivalent to the instruction given to children of like age at the public school of the city or district in which such child resides; and such attendance shall be for at least as many hours of each day thereof as are required of children of like age at public schools; and no greater total amount of holidays and vacations shall be deducted from such attendance during the period such attendance is required than is allowed in such public schools to children of like age. Occasional absences from such attendance, not amounting to irregular attendance in the fair meaning of the term, shall be allowed upon such

Evening schools.

excuses only as would be allowed in like cases by the general rules and practice of such public school.

Duty of parents.

SEC. 315 (as amended by chapter 585, Acts of 1907). Every person in parental relation to a child between eight and sixteen years of age, in proper physical and mental condition to attend school, shall cause such child to so attend upon instruction, or shall present to the school authorities of his city or district proof by affidavit that he is unable to compel such child to so attend, except such child to whom an employment certificate shall have been duly issued under the provisions of the labor law, and who is regularly employed. A violation of this section shall be a misdemeanor, punishable for the first offense by a fine not exceeding five dollars, and for each subsequent offense by a fine not exceeding fifty dollars or by imprisonment not exceeding thirty days, or by both such fine and imprisonment. Courts of special sessions and police magistrates shall, subject to removal as provided in sections fifty-seven and fifty-eight of the code of criminal procedure, have exclusive jurisdiction in the first instance to hear, try and determine charges of violations of this section within their respective jurisdictions.

School record.

SEC. 315a (added by chapter 585, Acts of 1907). Any principal or chief executive officer of a school to whom application shall have been made for a school record required under the provisions of the labor law shall issue such school record to said child as follows: Such school record shall be issued and signed by the principal or chief executive officer of the school which such child has attended and shall be furnished, on demand, to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday or during the twelve months next preceding his application for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, writing, spelling, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of its parent or guardian or custodian.

Children under 14.

SEC. 316 (as amended by chapter 585, Acts of 1907). It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age, in any business or service whatever, during any part of the term during which the public schools of the district in which the child resides are in session; or to employ any child between fourteen and sixteen years of age who does not, at the time of such employment, present in a city of the first class or a city of the second class, an employment certificate duly issued under the provisions of the labor law, or elsewhere the school record hereinbefore provided; or to employ, in a city of the first class or a city of the second class, any child between fourteen and sixteen years of age who is not in possession of the employment certificate hereinbefore mentioned and who has not completed such course of study as the public elementary schools of such city require for graduation from such schools and who does not hold either a certificate of graduation from the public elementary school or the preacademic certificate issued by the regents of the university of the State of New York or the certificate of the completion of an elementary school issued by the education department, unless the employer of such child, if a boy, shall keep and shall display in the place where such child is employed and shall show whenever so requested by any attendance officer, factory inspector, or representative of the police department, a certificate signed by the school authorities of [or] such school officers in said city as said school authorities shall designate, which school authorities, or officers designated by them, are hereby required to issue such certificates to those entitled to them not less frequently than once in each month during which said evening school is in session and at the close of the session of said evening school, stating that said child has been in attendance upon said evening school for not less than six hours each week for such number of weeks as will, when

Certificates.

taken in connection with the number of weeks such evening school will be in session during the remainder of the current or calendar year, make up a total attendance on the part of said child in said evening school of not less than six hours per week for a period of not less than sixteen weeks, and any person who shall employ any child contrary to the provisions of this section or who shall fail to keep and display certificates as to the attendance of employees in evening schools when such attendance is required by law shall, for each offense, forfeit and pay to the treasurer of the city or village, or to the supervisor of the town in which such child resides, a penalty of fifty dollars, the same, when paid, to be added to the public school moneys of the city, village or district in which such child resides.

Earnings of married women.

(Page 1048.)

Earnings separate property.

SECTION 30 (added by chapter 289, Acts of 1902). A married woman shall have a cause of action in her own sole and separate right for all wages, salary, profits, compensation or other remuneration for which she may render work, labor or services, or which may be derived from any trade, business or occupation carried on by her, and her husband shall have no right or action therefor, unless she, or he, with her knowledge or consent, has otherwise expressly agreed with the person obligated to pay such wages, salary, profits, compensation or other remuneration. In any action or proceeding in which a married woman or her husband shall seek to recover wages, salary, profits, compensation or other remuneration for which such married woman has rendered work, labor, or services, or which was derived from any trade, business or occupation carried on by her or in which the loss of such wages, salary, profits, compensation or other remuneration shall be an item of damage claimed by a married woman or her husband, the presumption of law in all such cases shall be that such married woman is alone entitled thereto, unless the contrary expressly appears.

Earnings of minors.

(Page 1049.)

Payment to minors valid, when.

SECTION 42. Where a minor is in the employment of a person other than his parent or guardian, payment to such minor of his wages is valid, unless such parent or guardian notify the employer in writing, within thirty days after the commencement of such service, that such wages are claimed by such parent or guardian, but whenever such notice is given at any time payments to the minor shall not be valid for services rendered thereafter.

Seats for female employees.

(Page 2092.)

Seats to be provided.

SECTION 17. Every person employing females in a factory or as waitresses in a hotel or restaurant shall provide and maintain suitable seats for the use of such female employees, and permit the use thereof by such employees to such an extent as may be reasonable for the preservation of their health.

Employment of women and children in factories.

(Page 2100.)

Age limit for children.

SECTION 70 (as amended by chapter 184, Acts of 1903). No child under the age of fourteen years shall be employed, permitted or suffered to work in or in connection with any factory in this State. No child between the ages of fourteen and sixteen years shall be so employed, permitted or suffered to work unless an employment certificate issued

as provided in this article shall have been theretofore filed in the office of the employer at the place of employment of such child.

The employment of a child under lawful age is of itself evidence of negligence, where the child is injured on account of such employment. Such a child is not, as a matter of law, chargeable with contributory negligence, nor with the assumption of the risks of his employment. The employer is liable for injuries, though the State makes such employment a misdemeanor (66 N. E. Rep. 572).

Issue of certificates.

SEC. 71 (as amended by chapter 291, Acts of 1907). Such certificate shall be issued by the commissioner of health or the executive officer of the board or department of health of the city, town, or village where such child resides, or is to be employed, or by such other officer thereof as may be designated by such board, department, or commissioner for that purpose, upon the application of the parent or guardian or custodian of the child desiring such employment. Such officer shall not issue such certificate until he has received, examined, approved, and filed the following papers duly executed, viz: The school record of such child properly filled out and signed as provided in this article; also, evidence of age showing that the child is fourteen years old or upwards, which shall consist of the evidence thereof provided in one of the following subdivisions of this section and which shall be required in the order herein designated as follows:

Proofs.

(a) Birth certificate: A duly attested transcript of the birth certificate filed according to law with a registrar of vital statistics or other officer charged with the duty of recording births, which certificate shall be conclusive evidence of the age of such child.

(b) Certificate of graduation: A certificate of graduation duly issued to such child showing that such child is a graduate of a public school of the State of New York or elsewhere, having a course of not less than eight years, or of a school in the State of New York other than a public school, having a substantially equivalent course of study of not less than eight years' duration, in which a record of the attendance of such child has been kept as required by the compulsory education law: *Provided*, That the record of such school shows such child to be at least fourteen years of age.

(c) Passport or baptismal certificate: A passport or a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of such child.

(d) Other documentary evidence: In case it shall appear to the satisfaction of the officer to whom application is made, as herein provided, for an employment certificate, that a child for whom such certificate is requested, and who has presented the school record, is in fact over fourteen years of age, and that satisfactory documentary evidence of age can be produced, which does not fall within any of the provisions of the preceding subdivisions of this section, and that none of the papers mentioned in said subdivisions can be produced, then and not otherwise he shall present to the board of health of which he is an officer or agent, for its action thereon, a statement signed by him showing such facts, together with such affidavits or papers as may have been produced before him constituting such evidence of the age of such child, and the board of health, at a regular meeting thereof, may then, by resolution, provide that such evidence of age shall be fully entered on the minutes of such board, and shall be received as sufficient evidence of the age of such child for the purpose of this section.

(e) Physicians' certificates: In cities of the first class only, in case application for the issuance of an employment certificate shall be made to such officer by a child's parent, guardian, or custodian who alleges his inability to produce any of the evidence of age specified in the preceding subdivisions of this section, and if the child is apparently at least fourteen years of age, such officer may receive and file an application signed by the parent, guardian or custodian of such child for physicians' certificates. Such application shall contain the alleged age, place and date of birth, and present residence of such child, together with such further facts as may be of assistance in determining the age of such child. Such application shall be filed for not less than ninety days after date of such application for such physicians' certificates, for an examination to be made of the statements contained therein, and in case no facts appear within such period or by such

examination tending to discredit or contradict any material statement of such application, then and not otherwise the officer may direct such child to appear thereafter for physical examination before two physicians officially designated by the board of health, and in case such physicians shall certify in writing that they have separately examined such child and that in their opinion such child is at least fourteen years of age such officer shall accept such certificates as sufficient proof of the age of such child for the purposes of this section. In case the opinions of such physicians do not concur, the child shall be examined by a third physician and the concurring opinions shall be conclusive for the purpose of this section as to the age of such child.

Such officer shall require the evidence of age specified in subdivision (a) in preference to that specified in any subsequent subdivision and shall not accept the evidence of age permitted by any subsequent subdivision unless he shall receive and file in addition thereto an affidavit of the parent showing that no evidence of age specified in any preceding subdivision or subdivisions of this section can be produced. Such affidavit shall contain the age, place and date of birth, and present residence of such child, which affidavit must be taken before the officer issuing the employment certificate, who is hereby authorized and required to administer such oath and who shall not demand or receive a fee therefor. Such employment certificate shall not be issued until such child's father has personally appeared before and been examined by the officer issuing the certificate, and until such officer shall, after making such examination, sign and file in his office a statement that the child can read and legibly write simple sentences in the English language and that in his opinion the child is fourteen years of age or upwards and has reached the normal development of a child of its age, and is in sound health and is physically able to perform the work which it intends to do. In doubtful cases such physical fitness shall be determined by a medical officer of the board or department of health. Every such employment certificate shall be signed, in the presence of the officer issuing the same, by the child in whose name it is issued.

Illiterates.

Certificates to contain what.

SEC. 72 (as amended by chapter 184, Acts of 1903). Such certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that, the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

Record.

SEC. 73 (as amended by chapter 291, Acts of 1907). The school record required by this article shall be signed by the principal or chief executive officer of the school which such child has attended and shall be furnished, on demand, to a child entitled thereto or to the board, department or commissioner of health. It shall contain a statement certifying that the child has regularly attended the public schools or schools equivalent thereto or parochial schools for not less than one hundred and thirty days during the twelve months next preceding his fourteenth birthday, or during the twelve months next preceding his application for such school record and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English grammar and geography and is familiar with the fundamental operations of arithmetic up to and including fractions. Such school record shall also give the date of birth and residence of the child as shown on the records of the school and the name of its parents or guardian or custodian.

Reports of certificates.

SEC. 75. The board or department of health or health commissioner of a city, village or town, shall transmit, between the first and tenth day of each month, to the office of the factory inspector a list of the names of the children to whom certificates have been issued.

Register.

SEC. 76 (as amended by chapter 184, Acts of 1903, and chapter 493, Acts of 1905). Each person owning or operating a factory and employing children therein shall keep, or cause to be kept in the office of such factory, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificate filed in such office shall

be produced for inspection upon the demand of the commissioner of labor. On termination of the employment of a child so registered, and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. The commissioner of labor may make demand on any employer in whose factory a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this article, that such employer shall either furnish him within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such factory. The commissioner of labor may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. A notice embodying such demand may be served on such employer personally or may be sent by mail addressed to him at said factory, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation such notice may be served either personally upon an officer of such corporation, or by sending it by post addressed to the office or the principal place of business of such corporation. The papers constituting such evidence of age furnished by the employer in response to such demand shall be filed with the commissioner of labor and a material false statement made in any such paper or affidavit by any person, shall be a misdemeanor. In case such employer shall fail to produce and deliver to the commissioner of labor within ten days after such demand such evidence of age herein required by him, and shall thereafter continue to employ such child or permit or suffer such child to work in such factory, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such child is under sixteen years of age and is unlawfully employed.

Night work of children.

SEC. 77 (as amended by chapter 507, Acts of 1907). Subdivision 1. No child under the age of sixteen years shall be employed or permitted to work in or in connection with any factory in this State before eight o'clock in the morning, or after five o'clock in the evening of any day, or for more than eight hours in any one day, or more than six days in any one week.

Hours of labor.

Subd. 2. No male minor under the age of eighteen years shall be employed or permitted to work in any factory in this State more than six days or sixty hours in any one week, or for more than ten hours in any one day, except as hereafter provided; nor between the hours of twelve midnight and four o'clock in the morning.

Night work of women.

Subd. 3. No female minor under the age of twenty-one years and no woman shall be employed or permitted to work in any factory in this State before six o'clock in the morning, or after nine o'clock in the evening of any day, or more than six days or sixty hours in any one week; nor for more than ten hours in any one day except as hereafter provided.

Notice.

Subd. 4. A printed notice, in a form which shall be furnished by the commissioner of labor, stating the number of hours per day for each day of the week required of such persons, and the time when such work shall begin and end, shall be kept posted in a conspicuous place in each room where they are employed. But such persons may begin their work after the time for beginning and stop before the time for ending such work, mentioned in such notice, but they shall not otherwise be employed, permitted or suffered to work in such factory except as stated therein. The terms of such notice shall not be changed after the beginning of labor on the first day of the week without the consent of the commissioner of labor. The presence of such persons in the factory at any other hours than those stated in the printed notice, or if no such notice be posted, before seven o'clock in the morning or after six o'clock in the evening, shall constitute prima facie evidence of a violation of this section.

Time books.

Subd. 5. In a factory wherein, owing to the nature of the work, it is practically impossible to fix the hours of labor weekly in advance the commissioner of labor, upon a proper application stating facts showing the necessity therefor, shall grant a permit dispensing with the notice hereinbefore required, upon condition that the daily hours of labor be posted for the information of employees and that a time book in a form to be approved by him, giving the names and addresses of all female employees and the hours worked by each of them in each day, shall be properly and correctly kept, and shall be exhibited to him or any of his subordinates promptly upon demand. Such permit shall be kept posted in such place in such factory as such commissioner may prescribe, and may be revoked by such commissioner at any time for failure to post it or the daily hours of labor or to keep or exhibit such time book as herein provided.

Employment in two or more factories.

Subd. 6. Where a female or male minor is employed in two or more factories or mercantile establishments in the same day or week the total time of employment must not exceed that allowed per day or week in a single factory or mercantile establishment; and any person who shall require or permit a female to work in a factory between the hours of six o'clock in the evening and seven o'clock in the morning in violation of the provisions of this subdivision of this section, with or without knowledge of the previous or other employment, shall be liable for a violation thereof.

Violations.

Work for more than ten hours.

SEC. 78 (as amended). Subdivision 1. A female sixteen years of age or upwards and a male between the ages of sixteen and eighteen may be employed in a factory more than ten hours a day; (a) regularly in not to exceed five days a week, in order to make a short day or a holiday on one of the six working days of the week; (b) irregularly in not to exceed three days a week: *Provided*, That no such person shall be required or permitted to work more than twelve hours in any one day or more than sixty hours in any one week, and that the provisions of the preceding section as to notice or time book be fully complied with.

Proof.

Subd. 2. In a prosecution for a violation of any provision of this or of the preceding section the burden of proving a permit or exception shall be upon the party claiming it.

Operating elevators.

SEC. 79. * * * No child under the age of fifteen years shall be employed or permitted to have the care, custody or management of or to operate an elevator in a factory, nor shall any person under the age of eighteen years be employed or permitted to have the care, custody or management of or to operate an elevator therein running at a speed of over two hundred feet a minute.

Where a boy of fourteen is injured by the voluntary use of an elevator, in a single instance and without suggestion from any one, the master is not liable under the above provision. 76 N. Y. S. 123.

Cleaning moving machinery.

SEC. 81. * * * No male person under eighteen years or woman under twenty-one years of age shall be permitted or directed to clean machinery while in motion. Children under sixteen years of age shall not be permitted to operate or assist in operating dangerous machines of any kind.

Water-closets.

SEC. 88. Every factory shall contain a suitable, convenient and separate water-closet or water-closets for each sex, which shall be properly screened, ventilated, and kept clean and free from all obscene writing or marking; and also, a suitable and convenient wash room. The water-closets used by women shall have separate approaches. Inside closets shall be maintained whenever practicable and in all cases when required by the commissioner of labor. When women or girls are employed, a dressing room shall be provided for them, when required by the commissioner of labor.

Working at polishing wheels, etc.

SEC. 92 (as amended by chapter 561, Acts of 1903). No male child under the age of eighteen years, nor any female, shall be employed in any factory in this State in operating or using any emery, tripoli, rouge, corundum, stone, carborundum or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or of iridium are manufactured. The owner, agent or lessee of a factory who employs any such person in the performance of such work is guilty of a misdemeanor and

upon conviction thereof shall be fined in the sum of fifty dollars for each such violation. The commissioner of labor, his assistants and deputies, shall enforce the provisions of this section.

Employment in mines.

SEC. 133 (added by chapter 375, Acts of 1906). No child under sixteen years of age shall be employed, permitted or suffered to work in or in connection with any mine or quarry in this State. No female shall be employed, permitted or suffered to work in any mine or quarry in this State.

Employment of women and children in stores, offices, etc.

(Page 2114.)

Application of law.

SECTION 160. The provisions of this article shall apply to all villages and cities which at the last preceding State enumeration had a population of three thousand or more.

Hours of labor.

SEC. 161 (as amended by chapter 490, Acts of 1906). No child under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any mercantile establishment, business office, or telegraph office, restaurant, hotel, apartment house, or in the distribution or transmission of merchandise or messages, more than fifty-four hours in any one week, or more than nine hours in any one day, or before seven o'clock in the morning or after ten o'clock in the evening of any day. But in cities of the first class no child under the age of sixteen years shall be employed, permitted or suffered to work in or in connection with any such establishment after seven o'clock in the evening of any day. No female employee between sixteen and twenty-one years of age shall be required, permitted or suffered to work in or in connection with any mercantile establishment more than sixty hours in any one week; or more than ten hours in any one day, unless for the purpose of making a shorter workday of some one day of the week; or before seven o'clock in the morning or after ten o'clock in the evening of any day. This section does not apply to the employment of persons sixteen years of age or upward on Saturday, provided the total number of hours of labor in a week of any such person does not exceed sixty hours, nor to the employment of such persons between the fifteenth day of December and the following first day of January. Not less than forty-five minutes shall be allowed for the noonday meal of the employees of any such establishment.

Night work.

Females.

Time for meals.

Age limit.

SEC. 162 (as amended by chapter 490, Acts of 1906). No child under the age of fourteen years shall be employed, permitted or suffered to work in or in connection with any mercantile or other establishment specified in the preceding section, except that a child upward of twelve years of age may be employed therein in villages and cities of the second or third class, during the summer vacation of the public schools of the city or district where such establishment is situated. No child under the age of sixteen years shall be employed in any such establishment, unless an employment certificate issued as provided in this article, shall have been theretofore filed in the office of the employer at the place of employment of such child.

Certificate.

[Sections 163 to 165, inclusive, are identical with sections 71 to 73, pages 759 and 760, supra.]

Vacation employment.

SEC. 166 (as amended by chapter 255, Acts of 1903). Children of the age of twelve years or more who can read and write simple sentences in the English language, may be employed, in mercantile and other establishments specified in section one hundred and sixty-one, in villages and cities of the third class during the summer vacation of the public schools in the city or school districts where such children reside upon obtaining the vacation certificate herein provided. Such certificate shall be issued in the same manner, upon the same conditions, and on like proof that such child is twelve years of age or upwards, and is in sound health, as is required for the issuance of an employment certificate under this article, except that a school record of such child shall not be required. The certificates provided for in this section shall be designated summer vacation certificates, and shall correspond

in form and substance as nearly as practicable to such employment certificate, and shall in addition thereto specify the time in which the same shall remain in force and effect which in no case shall be other than the time in which the public schools where such children reside are closed for a summer vacation.

Register.

SEC. 167 (as amended by chapter 255, Acts of 1903, and chapter 493, Acts of 1905). The owner, manager, or agent of a mercantile or other establishment specified in section one hundred and sixty-one, employing children, shall keep or cause to be kept, in the office of such establishment, a register, in which shall be recorded the name, birthplace, age and place of residence of all children so employed under the age of sixteen years. Such register and the certificates filed in such office shall be produced for inspection, upon the demand of an officer of the board, department or commissioner of health of the town, village or city where such establishment is situated. On termination of the employment of the child so registered and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parent or guardian or custodian. An officer of the board, department or commissioner of health of the town, village or city where a mercantile or other establishment mentioned in this article is situated, may make demand on an employer in whose establishment a child apparently under the age of sixteen years is employed or permitted or suffered to work, and whose employment certificate is not then filed as required by this chapter, that such employer shall either furnish him within ten days, evidence satisfactory to him that such child is in fact over sixteen years of age, or shall cease to employ or permit or suffer such child to work in such establishment. The officer may require from such employer the same evidence of age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. A notice embodying such demand may be served on such employer personally or may be sent by mail addressed to him at said establishment, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation such notice may be served either personally upon an officer of such corporation, or by sending it by post addressed to the office of the principal place of business of such corporation. The papers constituting such evidence of age furnished by the employer in response to such demand shall be filed with the board, department, or commissioner of health and a material false statement made in any such paper or affidavit by any person, shall be a misdemeanor. In case such employer shall fail to produce and deliver to the officer of the board, department, or commissioner of health within ten days after such demand such evidence of age herein required by him, and shall thereafter continue to employ such child or permit or suffer such child to work in such mercantile or other establishment, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this article that such child is under sixteen years of age and is unlawfully employed.

Wash rooms, etc.

SEC. 168. Suitable and proper wash rooms and water-closets shall be provided in, adjacent to or connected with mercantile establishments where women and children are employed. Such rooms and closets shall be so located and arranged as to be easily accessible to the employees of such establishments.

Such water-closets shall be properly screened and ventilated, and, at all times, kept in a clean condition. The water-closets assigned to the female employees of such establishments shall be separate from those assigned to the male employees.

If a mercantile establishment has not provided wash rooms and water-closets, as required by this section, the board or department of health or health commissioners of the town, village or city where such establishment is situated, shall cause to be served upon the owner of the building occupied by such establishment, a written notice of the omission and directing such owner to comply with the provisions of this section respecting such wash rooms and water-closets.

Such owner shall, within fifteen days after the receipt of such notice, cause such wash rooms and water-closets to be provided.

Lunch rooms.

SEC. 169. If a lunch room is provided in a mercantile establishment where females are employed, such lunch room shall not be next to or adjoining the water-closets, unless permission is first obtained from the board or department of health or health commissioners of the town, village or city where such mercantile establishment is situated. Such permission shall be granted unless it appears that proper sanitary conditions do not exist, and it may be revoked at any time by the board or department of health or health commissioner, if it appears that such lunch room is kept in a manner or in a part of the building injurious to the health of the employees.

Seats.

SEC. 170. Chairs, stools or other suitable seats shall be maintained in mercantile establishments for the use of female employees therein, to the number of at least one seat for every three females employed, and the use thereof by such employees shall be allowed at such times and to such extent as may be necessary for the preservation of their health. If the duties of the female employees, for the use of whom the seats are furnished, are to be principally performed in front of a counter, table, desk or fixture, such seats shall be placed in front thereof; if such duties are to be principally performed behind such counter, table, desk or fixture, such seats shall be placed behind the same.

Basements.

SEC. 171. Women or children shall not be employed or directed to work in the basement of a mercantile establishment, unless permitted by the board or department of health, or health commissioner of the town, village or city where such mercantile establishment is situated. Such permission shall be granted unless it appears that such basement is not sufficiently lighted and ventilated, and is not in good sanitary condition.

Enforcement.

SEC. 172 (as amended by chapter 255, Acts of 1903). The board or department of health or health commissioners of a town, village or city affected by this article shall enforce the same and prosecute all violations thereof. Proceedings to prosecute such violations must be begun within thirty days after the alleged offense was committed. All officers and members of such boards, or department, all health commissioners, inspectors, and other persons appointed or designated by such boards, departments or commissioners may visit and inspect at reasonable hours and when practicable and necessary, all mercantile or other establishments herein specified within the town, village or city for which they are appointed. No person shall interfere with or prevent any such officer from making such visitations and inspections, nor shall he be obstructed or injured by force or otherwise while in the performance of his duties. All persons connected with any such mercantile or other establishment herein specified shall properly answer all questions asked by such officer or inspector in reference to any of the provisions of this article.

Law to be posted.

SEC. 173 (as amended by chapter 255, Acts of 1903). A copy of this article shall be posted in three conspicuous places in each establishment affected by its provisions.

Selling newspapers.

SEC. 174 (as amended by chapter 588, Acts of 1907). No male child under ten and no girl under sixteen years of age shall in any city of the first or second class sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place.

Badges.

SEC. 175 (as amended by chapter 588, Acts of 1907). No male child under fourteen years of age shall sell or expose or offer for sale said articles unless a permit and badge as hereinafter provided shall have been issued to him by the district superintendent of the board of education of the city and school district where said child resides, or by such other officer thereof as may be officially designated by such board for that purpose, on the application of the parent, guardian or other person having the custody of the child desiring such permit and badge, or in case said child has no parent, guardian or custodian then on the application of his next friend, being an adult. Such permit and badge shall not be issued until the officer issuing the same shall have received, examined, approved and placed on file in his office satisfactory proof

that such male child is of the age of ten years or upwards, and shall also have received, examined and placed on file the written statement of the principal or chief executive officer of the school which the child is attending, stating that such child is an attendant at such school, that he is of the normal development of a child of his age and physically fit for such employment, and that said principal or chief executive officer approves the granting of a permit and badge to such child. No such permit or badge shall be valid for any purpose except during the period in which such proof and written statement shall remain on file, nor shall such permit or badge be authority beyond the period fixed therein for its duration. After having received, examined, and placed on file such papers the officer shall issue to the child a permit and badge. Principals or chief executive officers of schools in which children under fourteen years are pupils shall keep complete lists of all children in their schools to whom a permit and badge as herein provided have been granted.

Permit to state what.

SEC. 176 (as amended by chapter 588, Acts of 1907). Such permit shall state the date and place of birth of the child, the name and address of its parent, guardian, custodian or next friend as the case may be and describe the color of hair and eyes, the height and weight and any distinguishing facial mark of such child, and shall further state that the papers required by the preceding section have been duly examined and filed; and that the child named in such permit has appeared before the officer issuing the permit. The badge furnished by the officer issuing the permit shall bear on its face a number corresponding to the number of the permit, and the name of the child. Every such permit, and every such badge on its reverse side, shall be signed in the presence of the officer issuing the same by the child in whose name it is issued.

Badge to be worn.
Limit.

SEC. 177 (as amended by chapter 588, Acts of 1907). The badge provided for herein shall be worn conspicuously at all times by such child while so working; and all such permits and badges shall expire annually on the first day of January. The color of the badge shall be changed each year. No child to whom such permit and badge are issued shall transfer the same to any other person nor be engaged in any city of the first or second class as a newsboy, or shall sell or expose or offer for sale newspapers, magazines or periodicals in any street or public place without having conspicuously upon his person such badge, and he shall exhibit the same upon demand at any time to any police, or attendance officer.

Selling at night

SEC. 178 (as amended by chapter 588, Acts of 1907). No child to whom a permit and badge are issued as provided for in the preceding sections shall sell or expose or offer for sale any newspapers, magazines or periodicals after ten o'clock in the evening, or before six o'clock in the morning.

Enforcement.

SEC. 179 (as amended by chapter 588, Acts of 1907). In cities of the first or second class, police officers, and the regular attendance officers appointed by the board of education who are hereby vested with the powers of peace officers for the purpose, shall enforce the provisions of this article.

Violations.

SEC. 179a. Any child who shall work in any city of the first or second class in any street or public place as a newsboy or who shall sell or expose or offer for sale newspapers, magazines or periodicals in violation of the provisions of this article, shall be arrested and brought before a court or magistrate having jurisdiction to commit a child to an incorporated charitable reformatory or other institution and be dealt with according to law; and if any such child is committed to an institution, it shall, when practicable, be committed to an institution governed by persons of the same religious faith as the parents of such child. The permit and badge of any child who violates the provisions of this article may be revoked by the officer issuing the same, upon the recommendation of the principal or chief executive officer of the school which such child is attending, or upon the complaint of any police officer or attendance officer, and such child shall surrender the permit and badge so revoked upon the demand of any attendance officer or police officer charged with the duty of enforcing the provisions of this article. The refusal of any child to surrender

such permit and badge, upon such demand, or the sale or offering for sale of newspapers, magazines or periodicals in any street or public place by any child after notice of the revocation of such permit and badge shall be deemed a violation of this article and shall subject the child to the penalties provided for in this section.

2. Nothing in this act shall be deemed or construed to repeal, amend, modify, impair or in any manner affect any provision of the penal code or the code of criminal procedure. Law construed.

SEC. 207. Any person employing females in a factory or mercantile establishment who does not provide and maintain suitable seats for the use of such employees and permit the use thereof by such employees to such an extent as may be reasonable for the preservation of their health, is guilty of a misdemeanor. Failure to provide seats for females.

SEC. 209 (as amended by chapter 380, Acts of 1903). Any person who violates or does not comply with: Sundry violations.

1. The provisions of article six [sections 70 to 92] of the labor law, relating to factories;

4. The provisions of article eleven [sections 160 to 173] of the labor law, relating to mercantile establishments, and the employment of women and children therein;

5. Any person who knowingly makes a false statement in or in relation to any application made for an employment certificate as to any matter required by articles six and eleven of the labor law to appear in any affidavit, record, transcript or certificate therein provided for, is guilty of a misdemeanor and upon conviction shall be punished for a first offense by a fine of not less than twenty nor more than one hundred dollars; for a second offense by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment. Penalty.

Age of employment of telegraph operators on railroads.

(Page 3005.)

SECTION 186. Any person * * * who employs a person as a telegraph operator who is under the age of eighteen years, or who has less than one year's experience in telegraphing, to receive or transmit a telegraphic message or train order for the movement of trains, is guilty of a misdemeanor. Limit of 18 years.

ACTS OF 1903.

CHAPTER 486.—*Employment of females in barrooms, etc.*

SECTION 31. * * * It shall not be lawful for any person, whether having paid such [liquor] tax or not, Employment prohibited.

* * * * *

f. To permit any girl or woman, not a member of his family, * * * to sell or serve any liquor upon the premises; * * *

NORTH CAROLINA.

CONSTITUTION.

ARTICLE X.—*Earnings of married women.*

SECTION 6. The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and may be devised and bequeathed, and, with the written assent of her husband, conveyed by her as if she were unmarried. Earnings separate property.

REVISAL OF 1905.

Earnings of married women.

SECTION 2093. [This section repeats the language of the section of the State constitution given above.]

Employment of children.

Age limit.

SECTION 3362. If any mill owner, superintendent or other person acting in behalf of a factory or manufacturing establishment shall knowingly and willfully employ any child under twelve years of age to work in any factory or manufacturing establishment, except in oyster canning and packing manufactories where said canning and packing manufactories pay for opening or shucking oysters by the gallon or bushel, he shall be guilty of a misdemeanor.

Exceptions.

Employment of minors in violation of this section is negligence, which, if followed by injury, gives a cause of action. 53 S. E. Rep. 891.
Illegal employment is negligence per se. 57 S. E. Rep. 11.

Hours of labor.

SEC. 3363. If any mill owner, superintendent, or other person acting in behalf of a factory or manufacturing establishment shall knowingly and willfully require any person under eighteen years of age, except engineers, firemen, machinists, superintendents, overseers, section and yard hands, office men, watchmen or repairers of breakdowns, to work in such factories or establishments a longer period than sixty-six hours in one week, he shall be guilty of a misdemeanor.

Statement as to age.

SEC. 3364. If any parent or person standing in the relation of parent, upon hiring his children to any factory or manufacturing establishment, shall fail to furnish such establishment a written statement of the age of such child or children being so hired, and if any such parent, or person standing in the relation of parent to such child or children shall, in such written statement misstate the age of such child or children being so employed he shall be guilty of a misdemeanor, and upon conviction shall be punished at the discretion of the court.

Employing minors with intent to defraud.

Failure to pay price for labor.

SECTION 3428a. Whenever any person having a contract with any corporation, company or person for the manufacture or change of any raw material by the piece or pound shall hire and employ any minor to assist in said work upon the faith of and by color of said contract and with intent to cheat and defraud said minor, and shall secure the contract price and shall willfully fail to pay said minor when he shall have performed his part of said contract work, whether done by the day or by the job, the person so offending shall be guilty of a misdemeanor, and upon conviction shall be fined not more than fifty dollars or imprisoned not more than thirty days.

Penalty.

Employing minors for service outside of State.

Consent of parents.

SECTION 3630. If any person shall employ and carry beyond the limits of this State, any minor, or shall induce any minor to go beyond the limits of this State for the purpose of employment without the consent in writing, duly authenticated, of the parent, guardian or other person having authority over such minor, he shall be guilty of a misdemeanor, and on conviction thereof shall be fined not less than five hundred and not more than one thousand dollars for each offense. The fact of the employment and going out of the State of the minor, or of the going out of the State by the minor, at the solicitation of the person for the purpose of employment, shall be prima facie evidence of knowledge that the person employed or solicited to go beyond the limits of the State is a minor.

Hiring out women and children to support men in idleness.

SECTION 3740. If any person shall come within any of the following classes, he shall be deemed a vagrant, and shall be fined not exceeding fifty dollars or imprisoned not exceeding thirty days. Who are vagrants.

* * * * *

6. All able-bodied men who have no other visible means of support who shall live in idleness upon the wages or earnings of their mother, wife or minor child or children, except male child or children over eighteen years of age.

Employment of children in mines.

SECTION 4931. No minor under twelve years of age shall be allowed to work in any mine, and in all cases of minors applying for work the agent of such mine shall see that the provisions of this section are not violated; and the inspector may, when doubt exists as to the age of any person found working in any mine, examine under oath such person and his parents, or other witnesses, as to his age. Age limit.

SEC. 4952. The provisions of this chapter shall not apply to or affect any mine in which not more than ten men are employed at the same time; * * * Application of law.

ACTS OF 1907.

CHAPTER 463.—*Employment of children.*

SECTION 1. No child under twelve years of age shall be employed or worked in any factory or manufacturing establishment within this State: *Provided further*, That after one thousand nine hundred and seven no child between the ages of twelve and thirteen years of age shall be employed or work in a factory except in apprenticeship capacity, and only then after having attended school four months in the preceding twelve months. Age limit.

SEC. 2. Not exceeding sixty-six hours shall constitute a week's work in all factories and manufacturing establishments of this State. No person under eighteen years of age shall be required to work in such factories or establishments a longer period than sixty-six hours in one week: *Provided*, That this section shall not apply to engineers, firemen, machinists, superintendents, overseers, section and yard hands, office men, watchmen or repairers of breakdowns. Hours of labor.

SEC. 3. All parents, or persons standing in the relation of parent, upon hiring their children to any factory or manufacturing establishment, shall furnish such establishment a written statement of the age of such child or children being so hired, and certificate as to school attendance; and any parent, or person standing in the relation of parent to such child or children, who shall in such written statement misstate the age of such child or children being so employed, or their school attendance, shall be guilty of a misdemeanor, and upon conviction shall be punished at the discretion of the court. Any mill owner, superintendent or manufacturing establishment, who shall knowingly or willfully violate the provisions of this act shall be guilty of a misdemeanor and upon conviction shall be punished at the discretion of the court. Certificates. Penalty.

SEC. 4. After one thousand nine hundred and seven no boy or girl under fourteen years old shall work in a factory between the hours of eight p. m. and five a. m. Night work.

SEC. 5. This act shall be in force from and after January first, one thousand nine hundred and eight. Act in force, when.

NORTH DAKOTA.

CONSTITUTION.

ARTICLE 17.—*Employment of children—Age limit.*

Age limit.

SECTION 209. The labor of children under twelve years of age shall be prohibited in mines, factories and workshops in this State.

REVISED CODES OF 1905.

POLITICAL CODE.

Employment of children.

School attendance required.

SECTION 894 (as amended by chapter 98, Acts of 1907). Every parent, guardian or other person who resides in any school district or city, who has control of any child or children of or between the ages of eight and fourteen years, shall send such child or children to a public school in each year during the entire time the public schools of such district or city are in session, * * * : *Provided*, That such parent, guardian or other person having control of any child shall be excused from such duty by the school board of the district or by the board of education of the city or village whenever it shall be shown to their satisfaction, subject to appeal as provided by law, that one of the following reasons therefor exists:

1. That such child is taught for the same length of time in a parochial or private school, approved by such board; that no school shall be approved by such board unless the branches usually taught in the public schools are taught in such schools.

2. That such child is actually necessary to the support of the family.

3. That such child has already acquired the branches of learning taught in the public schools.

4. That such child is in such a physical or mental condition (as declared by the county physician, if required by the board) as to render such attendance inexpedient or impracticable. If no school is taught the requisite length of time within three miles of the residence of such child by the nearest route, such attendance shall not be enforced, except in cases of consolidated schools where transportation may be arranged for by the school board: *Provided*, That in districts where children reside beyond the three-mile limit and school facilities are not otherwise provided, the district school board shall provide transportation for such children to and from school. In districts having consolidated schools where transportation is arranged for by the school board, or in other districts providing transportation, attendance shall be required of pupils residing within four miles of such school or schools, * * *

Employment during school hours.

SEC. 897. No child between eight and fourteen years of age shall be employed in any mine, factory or workshop or mercantile establishment, or, except by his parents or guardian, in any other manner, during the hours when the public schools in the city, village or district are in session, unless the person employing him shall first procure a certificate from the superintendent of schools of the city or village, if one is employed, otherwise from the clerk of the school board or board of education, stating that such child has attended school for the period of twelve weeks during the year, as required by law, or has been excused from attendance as provided in section 894; and it shall be the duty of such superintendent or clerk to furnish such certificate upon application of the parent, guardian or other persons having control of such child, entitled to the same.

Certificate.

Penalty.

SEC. 898. Each owner, superintendent or overseer of any mine, factory, workshop or mercantile establishment, and any other person who shall employ any child between eight and fourteen years of age contrary to the provisions of this article, is guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense in a sum not less

than twenty nor more than fifty dollars and costs. Each person authorized to sign a certificate as prescribed in the preceding section, who certifies to any materially false statement therein, shall be fined not less than twenty nor more than fifty dollars and costs.

CIVIL CODE.

Earnings of married women.

SECTION 4082. Neither the husband nor the wife, as such, is answerable for the acts of the other.

2. The earnings of the wife are not liable for the debts of the husband and the earnings and accumulations of the wife and of her minor children living with her or in her custody, while she is living separate from her husband, are the separate property of the wife. Earnings separate property.

* * * * *

Earnings of minors.

SECTION 4105. The wages of a minor employed in service may be paid to him or her until the parent or guardian entitled thereto gives the employer notice that he claims such wages. Payment to minors valid, when.

PENAL CODE.

Hours of labor of women and children.

SECTION 9440. Every owner, stockholder, overseer, employer, clerk or foreman, of any manufactory, workshop or other place used for mechanical or manufacturing purposes, who, having control, shall compel any woman or any child under eighteen years of age, or permit any child under fourteen years of age, to labor in any day exceeding ten hours, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by fine not exceeding one hundred and not less than ten dollars. Ten hours a day's work.

OHIO.

BATES' ANNOTATED STATUTES—THIRD EDITION.

PART I.—POLITICAL.

Employment of children in mines.

SECTION 302. No child under fifteen years of age shall be allowed to work in any mine, during the school term of the public schools in the district in which such minor resides, and no child under fourteen years of age shall be employed in any mine during the vacation interim of the public schools in the school district in which such minor resides, and in all cases of minors applying for work the agent of such mine shall see that the provisions of this section are not violated; he shall also keep a record of all minors employed by him, or by any person employed in said mines, giving the name, age, place of birth, parents' name and residence, with character of employment, and he shall demand from such minor proof that he has complied with the requirements of the school laws; and it shall be the duty of the mine inspector to inspect such record and to report to the chief inspector of mines the number of minors employed in or about such mines and to enforce the provisions of this section. Age limit.

SEC. 303. In case any coal mine does not, in appliances for the safety of the persons working therein, conform to the provisions of this chapter, or the owner or agent disregards the requirements of this chapter, any court of competent jurisdiction may, on application of the inspector, by civil action, in the name of the State, enjoin or restrain the owner or agent from working or operating such mine, until it is made to conform to the provisions of this chapter; and such remedy shall be cumulative, and shall not take the place of or affect any other proceedings against such owner or agent authorized by law for the matter complained of in such action. Enforcement.

Employment of children in elevators.

Minors not to operate.

SECTION 2575–91. No person under twenty-one years of age shall be employed in running or operating any electric, steam or hydraulic passenger or freight elevators, and it shall be unlawful for any firm, company or person in the State of Ohio, owning, operating or having in charge any such passenger or freight elevator or elevators to employ a person under twenty-one years of age to run or operate any such elevator.

Penalty.

SEC. 2575–92. Any person, firm or corporation, or any agent, trustee, director, officer or employee of any person, firm or corporation, who shall employ any person contrary to the provisions of the foregoing section, or who shall violate any of its provisions, shall, upon conviction thereof, be fined in any sum not less than twenty-five nor more than one hundred dollars, or imprisonment not less than thirty nor more than sixty days.

PART II.—CIVIL.

Employment of children during school term—Illiterates.

School attendance required.

SECTION 4022–1 (as amended by act, page 615, Acts of 1902). All parents, guardians and other persons who have care of children, shall instruct them, or cause them to be instructed in reading, spelling, writing, English grammar, geography and arithmetic. Every parent, guardian or other person having charge of any child between the ages of eight and fourteen years shall send such child to a public, private or parochial school, for the full time that the school attended is in session, which shall in no case be for less than twenty-four weeks, and said attendance shall begin within the first week of the school term, unless the child is excused from such attendance by the superintendent of the public schools, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having such superintendent, or by the principal of the private or parochial school, upon satisfactory showing, either that the bodily or mental condition of the child does not permit of its attendance at school, or that the child is being instructed at home by a person qualified * * * to teach the branches named in this section. * * * All children between the ages of fourteen and sixteen years, not engaged in some regular employment, shall attend school for the full term the schools of the district in which they reside are in session during the school year, unless excused for [the] reasons above named. * * *

Certificates.

SEC. 4022–2 (as amended by act, page 615, Acts of 1902, and act, page 334, Acts of 1904). No child under sixteen years of age shall be employed or be in the employment of any person, company or corporation during the school term and while the public schools are in session, unless such child shall present to such person, company or corporation an age and schooling certificate herein provided for. An age and schooling certificate shall be approved only by the superintendent of schools, or by a person authorized by him, in city or other districts having such superintendent, or by the clerk of the board of education in village, special and township districts not having such superintendent, upon a satisfactory proof of the age of such minor and that he has successfully completed the studies enumerated in section 4022–1 of the Revised Statutes of Ohio; or if between the ages of fourteen and sixteen years, a knowledge of his or her ability to read and write legibly the English language. The age and schooling certificate shall be formulated by the State commissioner of common schools and the same furnished, in blank, by the clerk of the board of education. Every person, company or corporation employing any child under sixteen years of age, shall exact the age and schooling certificate prescribed in this section as a condition of employment, and shall keep the same on file, and shall upon request of the truant officer herein provided for, permit him to examine such age and schooling certificate. Any person, company or corporation, employing any minor contrary to the provisions of this section shall be fined not less than twenty-five nor more than fifty dollars.

Illiterates.

SEC. 4022–3 (as amended by act, page 615, Acts of 1902). All minors over the age of fourteen and under the age of sixteen years, who can not read and write the English language shall be required to attend school as provided in section 4022–1 of the Revised Statutes of Ohio and all the provisions of said section shall apply to said minors: *Provided*, That such attendance shall not be required of such minors after they have secured a certificate from the superintendent of schools, in districts having superintendents or the clerk of the board of education in districts not having superintendents, that they can read and write the English language. No person, company or corporation shall employ any such minor during the time schools are in session, or having such minor in their employ shall immediately cease such employment, upon notice from the truant officer who is hereinafter provided for. Every person, company or corporation violating the provisions of this section shall be fined not less than twenty-five nor more than fifty dollars.

Enforcement.

SEC. 4022–5. To aid in the enforcement of this act, truant officers shall be appointed * * *: The truant officer shall be vested with police powers, the authority to serve warrants, and shall have authority to enter workshops, factories, stores and all other places where children may be employed, and do whatever may be necessary, in the way of investigation or otherwise, to enforce this act; he is also authorized to take into custody the person of any youth between eight and fourteen years of age, or between fourteen and sixteen years of age when not regularly employed or when unable to read and write the English language, who is not attending school, and shall conduct said youth to the school he has been attending, or which he should rightfully attend. The truant officer shall institute proceedings against any officer, parent, guardian, person or corporation violating any provisions of this act, * * *

Children of dependent parents, etc.

SEC. 4022–9 (as amended by act, page 615, Acts of 1902). When any truant officer is satisfied that any child, compelled to attend school by the provisions of this act, is unable to attend school because absolutely required to work, at home or elsewhere, in order to support itself or help support or care for others legally entitled to its services, who are unable to support or care for themselves, the truant officer shall report the case to the authorities charged with the relief of the poor, and it shall be the duty of said officers to afford such relief as will enable the child to attend school the time each year required under this act. Such child shall not be considered or declared a pauper by reason of the acceptance of the relief herein provided for. * * * In all cases where relief is necessary it shall be the duty of the board of education to furnish text books free of charge and said board may furnish any further relief it may deem necessary, the expenses incident to furnishing said books and relief to be paid from the contingent funds of the school district.

Retaining wages of minors—Written contracts.

Fines, etc. prohibited.

SECTION 4364–65. It shall be unlawful for any person, company or corporation doing business in the State of Ohio, to retain or withhold from an employee, male or female, who is a minor, the wages or compensation, or any part thereof, agreed to be paid to such employee, and due to the same for work performed or services rendered, because of presumed negligence or failure to comply with rules, or for breakage of machinery, or for alleged incompetency to produce work or to perform labor in accordance with any standard of merit set up; nor shall any firm, corporation, or individual as aforesaid, receive any guarantee, bonus, or money deposit, or any other form of security, in order to obtain or to secure for any such minor employment, or to insure faithful performance of labor, or to guarantee strict observance of rules, or to make good any losses which may be ascribed or charged to the incompetence, negligence, or inability of such minor employee.

Contracts to be in writing.

SEC. 4364–66 (as amended by act, page 598, Acts of 1902). No person, company or corporation, as aforesaid, shall give employment to any minor, without agreeing with said minor what wages or compensation

he or she shall be entitled to receive per day, week, month or year or per piece for work performed; and written evidence of such agreement shall be furnished to such minor, and on or before each pay day a statement of earnings due, and the amount thereof to be paid to him or her on such pay day shall be given to such minor, and no subsequent change shall be made in the wages or compensation of such minor without notice of the same being given to him or her at least twenty-four hours previous to its going into effect, and when such change is effected written agreement shall be given as in the first instance to said minor employee.

Penalty.

SEC. 4364–67. Any person, or officer, or agent of any company or corporation, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction, be fined in any sum not exceeding two hundred dollars, or imprisonment in the county jail for a period not exceeding six months, or both, at the discretion of the court; and it is hereby declared to be the duty of the State inspector of workshops and factories to see that the provisions of this act shall be enforced.

Seats, etc., for female employees.

Seats to be provided.

SECTION 4364–69. Every person or corporation employing female employees in any manufacturing, mechanical or mercantile establishments in this State, shall provide a suitable seat for the use of each female employee so employed, and shall permit the use of such by them when they are not necessarily engaged in the active duties for which they are employed, and shall permit the use of such seats at all times when such use would not actually and necessarily interfere with the proper discharge of the duties of such employees, and such seat shall be constructed or adjusted where practicable so as to be a fixture and not obstruct such female when actually engaged in the performance of such duties when such seat can not be used. And the owner of the building shall provide, on the same floor, or floor immediately above or below, of the building wherein any female persons are employed, suitable and separate toilet and dressing rooms and water-closets for the exclusive use of such female employees, and where possible, such dressing rooms and water-closets shall be situated together, with one water-closet for every twenty-five females or less, and where there are more than twenty-five there shall be provided an additional water-closet, up to the number of fifty, and above that number in the same ratio: *Provided*, That no such closet for the use of females shall be placed in a basement or cellar, unless such basement or cellar is used for manufacturing, mechanical or mercantile purposes, and females are employed therein: *And, provided, further*, That such closets, in the same ratio as above mentioned, shall be placed on the outside of such building at a distance not to exceed twenty feet in such cities, towns and villages as are not provided with a system of waterworks; unless such building is provided with a dry closet system such closets to be kept in good sanitary condition at all times. The State inspector of factories and workshops is hereby charged with the duty of seeing that the provisions of this section are observed and enforced.

Toilet rooms.

Penalty.

SEC. 4364–70. Any person or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be punished by a fine not less than ten dollars nor more than twenty-five dollars for each offense.

PART IV.—PENAL.

Certain employments of children forbidden.

Acrobatic, mendicant, etc., occupations.

SECTION 6984. Whoever takes, receives, hires, employs, uses, exhibits, or in any manner, or under any pretense, sells, apprentices, gives away, lets out, or otherwise disposes of, to any person, any child under the age of fourteen years, for or in the vocation, occupation, service, or purpose of singing, playing on musical instruments, rope or wire walking, dancing, begging, or peddling, or as a gymnast, contor-

tionist, rider, or acrobat, or for or in any obscene, indecent, or immoral purpose, exhibition, or practice, or for or in any business, exhibition, or vocation injurious to the health or dangerous to the life or limbs of such child, or causes, or procures, or encourages, any such child to engage therein, or causes or permits any such child to suffer, or inflicts upon it, unjustifiable physical pain or mental suffering, or willfully causes or permits the life of any such child to be endangered, or its health to be injured, or such child to be placed in such situation that its life may be endangered, or its health injured, or has in custody any such child for any of the purposes aforesaid, shall be fined not more than two hundred dollars, or imprisoned not more than six months, or both.

Dangerous employments.

SEC. 6986–1. No child under the age of sixteen years, shall be employed by any person, firm or corporation in this State, at employment whereby its life or limb is endangered, or its health is likely to be injured, or its morals may be depraved by such employment.

Penalty.

SEC. 6986–2. Any person, firm or corporation in this State who willfully causes or permits the life or limb of any child under the age of sixteen years to be endangered, or its health to be injured, or its morals to become depraved, from and while actually in their employ, or who willfully permits such child to be placed in such a position or to engage in such employment that its life or limb is in danger, or its health likely to be injured, or its morals likely to be impaired by such position or employment, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than ten ($10) dollars nor more than fifty ($50) dollars, or imprisonment not less than thirty nor more than ninety days for each and every offense.

Enforcement.

SEC. 6986–3. It shall be the duty of the State inspector of workshops and factories to enforce the provisions of this act.

Employment of children.

Age limit.

SECTION 6986–7 (as amended by act, page 598, Acts of 1902, and act, page 321, Acts of 1904). No child under the age of fourteen years shall be employed in any factory, workshop, mercantile or other establishment, directly or indirectly at any time, nor be employed as messenger or driver therefor; and no child under [said] the age shall be employed in any other manner, whether it be for compensation or otherwise, when the public schools in which district such child resides are in session.

Certificates.

Every person, company or corporation, or agent having charge of or the management of such factory, workshop, mercantile or other establishment employing any child over fourteen years and under sixteen years of age, shall exact the age and schooling certificate prescribed in section 4022–2 as a condition of employment, and shall keep the same on file, and shall upon the request of the chief or district inspector of workshops and factories produce said certificates for inspection; but no person authorized as aforesaid shall approve such certificates for any child under sixteen years of age then in or about to enter his own employment or the employment of a firm, company or corporation of which he is a member, officer, or employee. An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the certificate of birth or baptism, or in some such manner, that said child is of the age required as aforesaid; failure to produce to an inspector of workshops and factories an age and schooling certificate, as aforesaid required, shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate is not produced.

In case of doubt of the physical fitness of such minor, the inspector shall require a certificate signed by a medical officer of the board of health, certifying that such child is in sound health and physically able to perform the work he is required to do.

Register.

SEC. 6986–8 (as amended by act, page 598, Acts of 1902, and act, page 321, Acts of 1904). It shall be the duty of every person employing minors under the age of eighteen years to keep a register in which shall be recorded the name, birthplace, age and place of residence of every minor employed by him under the age of eighteen years. No boy under sixteen years of age and no girl under eighteen years of

Night work.

age, shall be employed at any work at night time later than seven o'clock in the evening nor earlier than six o'clock in the morning, and no minor under eighteen years of age shall be employed in any of the places named in section 6986–7 of the Revised Statutes of Ohio for a longer period than ten hours in one day, nor more than fifty-five hours in one week; and every such minor under eighteen years of age shall be entitled to no less than thirty minutes for mealtime at noon, but such mealtime shall not be included as part of the work hours of the day; and every employer shall post in a conspicuous place in every room where such minors are employed a printed notice stating the maximum number of work hours required in one week, and in each day of the week from such minors; such printed notice to be furnished by the chief inspector of workshops and factories, and approved by the attorney-general.

Hours of labor.

Penalty.

SEC. 6986–9 (as amended by act, page 321, Acts of 1904). Any person, firm or corporation who shall employ any minor contrary to the provisions of this act, or who shall violate any of the provisions thereof, shall, upon conviction, be fined in any sum not less than ten dollars nor more than fifty dollars, and upon failure or refusal of any such person, firm or corporation to pay said fine or costs according to the order of the court, then such person, firm or corporation shall be imprisoned in the county jail until such fine is paid.

OKLAHOMA.

CONSTITUTION OF 1907.

ARTICLE 23.—*Employment of children.*

Dangerous, etc., occupations.

SECTION 3. The employment of children, under the age of fifteen years, in any occupation, injurious to health or morals or especially hazardous to life or limb, is hereby prohibited.

Employment in mines.

SEC. 4. Boys under the age of sixteen years, and women and girls, shall not be employed, underground, in the operation of mines; * * *

STATUTES OF 1893.

Hours of labor of women and children.

Ten hours a day's work.

PARAGRAPH 2550. Every owner, stockholder, overseer, employer, clerk or foreman, of any manufactory, workshop, or other place used for mechanical or manufacturing purposes, who, having control, shall compel any woman or any child under eighteen years of age, or permit any child under fourteen years of age, to labor in any day exceeding ten hours, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by fine not exceeding one hundred and not less than ten dollars.

CHAPTER 40.—*Earnings of married women.*

PARAGRAPH 2972.

* * * * * * * *

Earnings separate property.

Second. The earnings of the wife are not liable for the debts of the husband, * * *

CHAPTER 59.—*Earnings of minors.*

Payment to minors valid, when.

PARAGRAPH 3562. The wages of a minor employed in service may be paid to him or her until the parent or guardian entitled thereto gives the employer notice that he claims such wages.

OREGON.

ANNOTATED CODES AND STATUTES—1902.

Earnings of married women.

SECTION 31. A wife may receive the wages of her personal labor, and maintain an action therefor in her own name, and hold the same in her own right, * * * as if unmarried. Earnings separate property.

ACTS OF 1903.

Employment of children.

(Act, page 79, as amended by chapter 208, Acts of 1905.)

SECTION 2. No child under fourteen years of age shall be employed in any factory, store, workshop, in or about any mine, or in the telegraph, telephone, or public messenger service. Age limit.

SEC. 3. No child under the age of fourteen years shall be employed in any work, or labor of any form, for wages or other compensation to whomsoever payable, during the hours when the public schools of the town, district, or city in which he or she resides are in session. Employment during school hours.

SEC. 4. Attendance at school shall be compulsory upon all children between the ages of eight and fourteen years in all cities, towns and villages of the State of Oregon during the whole of the school term in the city, town or village in which the child resides, and upon all children in such city, towns, and villages between the ages of fourteen and sixteen years who are not employed in some lawful work. School attendance required.

SEC. 5. No child under sixteen years of age shall be employed at any work before the hour of seven in the morning, or after the hour of six at night, nor employed for longer than ten hours for any one day, nor more than six days in any one week; and every such child, under sixteen years of age, shall be entitled to not less than thirty minutes for mealtime at noon, but such mealtime shall not be included as part of the work hours of the day; and every employer shall post in a conspicuous place where such minors are employed, a printed notice stating the maximum work hours required in one week, and in every day of the week, from such minors. Hours of labor. Night work.

The limitation of the hours of labor is a valid exercise of the legislative power. 86 Pac. Rep. 881.

SEC. 6. No child under sixteen years of age shall be employed, permitted or suffered to work in any employment enumerated in section 2 unless the person or corporation employing him procures and keeps on file and accessible to the school authorities of the district where such child resides, and to the police and board of inspectors of child labor an age and schooling certificate as hereinafter prescribed, and keep a complete list of all such children employed therein. Certificates.

SEC. 7. An age and schooling certificate shall be executed, issued and approved only by the superintendent of schools, or by a person authorized by him in writing or, where there is no superintendent of schools, by a person authorized by the board of school directors: *Provided*, That no member of a board of school directors or other person authorized as aforesaid shall have authority to approve such certificate for any child then in or about to enter his own employment, or the employment of a firm or corporation of which he is a member, officer or employee. The person approving the certificate shall have authority to administer the oath provided for therein, but no fees shall be charged therefor. Who may issue.

SEC. 8. An age and schooling certificate shall not be approved unless satisfactory evidence is furnished by the last school census, the duly attested transcript of the certificate of birth or baptism of such child or other religious record, or the register of birth of such child with a town or city clerk, that such child is of the age stated in the certificate. Proof of age.

Forms.

SEC. 9. The age and schooling certificate of a child under sixteen years of age shall not be executed, approved and signed until he presents to the person authorized to execute, approve and sign the same an employment ticket issued by the board of child labor inspectors duly filled out and signed as hereinafter prescribed. A duplicate of each age and schooling certificate shall be filled out and kept on file by the board of school directors. Any explanatory matter may be printed with such certificate, in the discretion of the board of school directors or superintendent of schools. The employment ticket and the age and schooling certificate shall be separately printed, and shall be filled out, signed, and held or surrendered, as indicated in the following form:

EMPLOYMENT TICKET.

When (name of child) ——— ——— height, (feet and inches) —— ——, eyes, (color) ———, complexion, (fair or dark,) hair, (color) ———, presents an age and schooling certificate duly signed, I intend to employ (him or her) at ——— (nature of occupation.)

(Signature of intending employer or agent.)

(Town or city and date.)

AGE AND SCHOOLING CERTIFICATE.

This certifies that I am the (father, mother, guardian, or custodian) of (name of child) ——— ———, and that (he or she) was born at (name of town or city) ——— in the county of (name of county, if known) and State (or country) of ——— on the (day and year of birth) —— —— and is now (number of years and months) —— —— old.

(Signature of father, mother, guardian, or custodian.)

(Town or city and date.)

Then personally appeared before me the above-named (name of person signing) ——— ——— and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief. I hereby approve the foregoing certificate of (name of child) ——— ———, height, (feet and inches) —— ——, eyes, (color) ———, complexion, (clear or dark,) hair, (color,) having no sufficient reason to doubt that (he or she) is of the age therein certified. I hereby certify that (he or she) can read at sight and (can or can not) write legibly simple sentences in the English language, and that (he or she) has reached the normal development of a child of (his or her) age, and is in sound health and is physically able to perform the work which (he or she) intends to do, and that (he or she) has regularly attended the public schools or a school equivalent thereto, for not less than 160 days during the school year previous to arriving at the age of fourteen years, or during the year previous to applying for such school record, and has received during such period instruction in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic to and including fractions.

This certificate belongs to (name of child in whose behalf it is drawn) ——— ——— and is to be surrendered (to him or her) whenever (he or she) leaves the service of the corporation or employer holding the same; but if not claimed by said child within thirty days from such time it shall be returned to the superintendent of schools, or, where there is no superintendent of schools, to the school committee.

(Signature of person authorized to approve and sign, with official character or authority.)

(Town or city and date.)

Evidence.

SEC. 10. A failure to produce to the school authorities of the district where such child resides and to the police and to the board of inspectors of child labor any age and schooling certificate or list required by this act shall be prima facie evidence of the illegal employment of any person whose age and schooling certificate is not produced or whose name is not so listed. Any corporation or employer retaining any age and schooling certificate in violation of section 5 of this act shall be fined ten dollars. Every person authorized to sign the certificate prescribed by section 5 of this act who knowingly certifies to any

materially false statement therein shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than five dollars and not more than fifty dollars.

The board of inspectors of child labor or any one or more of them or anyone authorized by such board in writing may visit the factories, workshops, and mercantile establishments in their several towns and cities and ascertain whether any minors are employed therein contrary to the provisions of this act, and they shall report any cases of such illegal employment to the proper school authorities and to the district attorney of the county. The board of inspectors of child labor may require that the age and schooling certificates and lists provided for [by] this act, of minors employed in such factories, workshops, or mercantile establishments, shall be produced for their inspection. Complaints for offenses under this act shall be brought by the board of inspectors of child labor to the attention of the proper district attorney and offenses hereunder shall be prosecuted by such district attorney.

Penalty.

SEC. 11. Any person or corporation who shall employ a minor contrary to the provisions of this act, or who shall violate any of the provisions thereof, shall be guilty of a misdemeanor and upon conviction shall be fined in a sum not less [than] $10 nor more than $25 for the first offense, nor less than $25 nor more than $50 for the second offense, and be imprisoned for not less than ten nor more than thirty days for the third and each succeeding offense.

Same subject.

SEC. 12. Any parent or guardian who shall violate any of the provisions of this act or allow any child under their custody or control to be employed contrary to the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall [be] fined not less than five dollars and not more than twenty-five dollars.

Employment during vacation.

SEC. 13. The board of inspectors of child labor may in its discretion allow children between the ages of twelve and fourteen to be employed in any suitable work during any school vacation extending over a term of two weeks and may issue permits therefor. It shall be the duty of such board to exercise careful discretion as to the character of such employment and its effect on the physical and moral well-being of the child.

Inspectors.

SEC. 14. The board of inspectors of child labor of the State of Oregon, heretofore appointed such board under the provisions of the act of which this is amendatory, are hereby appointed a board of inspectors of child labor of the State of Oregon, and shall serve without compensation. The term for which such inspectors shall serve shall be one, two, three, four, and five years, respectively, from the time of their original appointment, the terms to remain as already determined by lot under said original act, and upon the expiration of the term of any one of said inspectors the governor shall appoint his or her successor to serve for a term of five years. Appointments shall be so made that three at least of said inspectors shall always be women.

Hours of labor of women—Seats.

(Act, page 148, as amended by chapter 200, Acts of 1907.)

Ten hours a day's work.

SECTION 1. No female shall be employed in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant in this State more than ten hours during any one day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four hours of any one day: *Provided*, That females may be employed in retail stores to work not to exceed twelve hours in any one day for one week immediately preceding Christmas day.

The provisions of this section are constitutional. 85 Pac. Rep. 855.

Seats to be provided.

SEC. 2. Every employer in any manufacturing, mechanical or mercantile establishment, laundry, hotel or restaurant, or other establishment employing any female, shall provide suitable seats for all female employees, and shall permit them to use such seats when they are not engaged in the active duties of their employment.

Penalty.

SEC. 3. Any employer who shall require any female to work in any of the places mentioned in section 1 more than the number of hours provided for in this act during any day of twenty-four hours, or who shall fail, neglect or refuse to so arrange the work of females in his employ so that they shall not work more than the number of hours provided for in this act during any day of twenty-four hours, or who shall fail, neglect or refuse to provide suitable seats, as provided in section 2 of this act, or who shall permit or suffer any overseer, superintendent, or other agent of any such employer to violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense not less than $25 nor more than $100.

PENNSYLVANIA.

BRIGHTLY'S PURDON'S DIGEST, TWELFTH EDITION—1895.

Employment of children.

(Page 1015.)

Mendicant occupations forbidden.

SECTION 9. Any person having the care, custody or control, lawful or unlawful, for [of] any minor child under the age of eighteen years, who shall use such minor or apprentice, give away, let out, hire or otherwise dispose of such minor, to any person, for the purpose of singing, playing on musical instruments, begging, or for any mendicant business whatsoever, in the streets, roads or other highways of this Commonwealth, and whosoever shall take, receive, hire, employ, use or have in custody, any such minor, for the vocation, occupation, calling, service or purpose of singing, playing upon musical instruments or begging upon the street, roads, or other highways of the Commonwealth, or for any mendicant business whatever, shall be guilty of a misdemeanor, and upon conviction thereof * * * shall be fined not less than fifty dollars nor more than one hundred dollars.

Employment in dance houses, etc.

SEC. 10. Any person having the care, custody or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away or permit such child to sing, dance, act, or in any manner exhibit, in any dance house whatever, or in any concert saloon, theater or place of entertainment, where wines or spirituous or malt liquors are sold or given away, or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected, by any passageway or entrance, and any proprietor of any dance house whatever, or any such concert saloon, theater or place of entertainment, so employing any such child, shall be guilty of a misdemeanor, and upon conviction thereof * * * shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

Acrobatic, etc., employments.

SEC. 11. Any person having the care, custody or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away or otherwise dispose of such child, and any person who shall take, receive or employ such child for the vocation or occupation of rope or wire walking, or as an acrobat, gymnast, contortionist or rider, and any person who, having the care, custody or control of any minor child whatsoever, shall sell, apprentice, give away or otherwise dispose of such child, or who shall take, receive or employ such child, for any obscene, indecent or illegal exhibition or vocation, or any vocation injurious to the health or dangerous to the life or limb of such child engaged therein, or for the purpose of prostitution, and any person who shall retain, harbor or employ any minor child in or about any assignation house or brothel, or in any place where any obscene, indecent or illegal exhibition takes place, shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, magistrate or court of record, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense.

Operating elevators.

SEC. 12. No person, firm or corporation shall employ or permit any minor under the age of fourteen years to have the care, custody, management or operation of any elevator. Any person, firm or cor-

poration, employing any minor under the age of fourteen years to operate, manage or otherwise have the care or custody of an elevator, shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to pay a fine of not less than twenty-five dollars nor more than one hundred dollars.

Women and children in mines.

SEC. 14 (as amended by act No. 266, Acts of 1903). No boy under the age of sixteen years, and no woman or girl of any age, shall be employed or permitted to be in any mine for the purpose of employment therein; nor shall a boy under the age of fourteen years or a woman or girl of any age, be employed or permitted to be in or about the outside structures or workings of a colliery for the purpose of employment; but it is provided, however, that this prohibition shall not affect the employment of a boy or female, of suitable age, in an office or in the performance of clerical work at a colliery.

Certificates.

SEC. 15. When an employer is in doubt as to the age of any boy or youth applying for employment in or about a mine or colliery, he shall demand and receive proof of the said lawful employment age of such boy or youth, by certificate from the parent or guardian, before said boy or youth shall be employed.

Violations.

SEC. 16. If any person or persons contravene or fail to comply with the provisions of this act [sections 14 to 16] in respect to the employment of boys, young male persons or females, or if he or they shall connive with or permit others to contravene or fail to comply with said provisions, or if a parent or guardian of a boy or young male person make or give a false certificate of the age of such boy or young male person, or knowingly do or perform any other act for the purpose of securing employment for a boy or young male person under the lawful employment age and in contravention of the provisions of this act, he or they shall be guilty of an offense against this act.

Earnings of married women.

(Page 1301.)

Earnings separate property.

SECTION 39. The separate earnings of any married woman of the State of Pennsylvania, whether said earnings shall be as wages for labor, salary, property, business or otherwise, shall accrue to and inure to the separate benefit and use of said married woman, and be under the control of such married woman, independently of her husband, and so as not to be subject to any legal claim of such husband, or to the claims of any creditor or creditors of such husband, the same as if such married woman were a feme [femme] sole: * * *

Employment of children about mine machinery.

(Page 1349.)

Breaker engineers.

SECTION 86. A sober and competent person, not under eighteen (18) years of age, shall be engaged to run the breaker engine, and he shall attend to said engine while the machinery is in motion.

Oilers.

SEC. 88. No person under fifteen (15) years of age shall be appointed to oil the machinery, and no person shall oil dangerous parts of such machinery while it is in motion.

Hoisting engineers.

SEC. 155. An engineer placed in charge of an engine whereby persons are hoisted or lowered in any mine shall be a sober and competent person of not less than twenty-one (21) years of age.

BRIGHTLY'S DIGEST—1893–1903.

Employment of women and children in bakeries.

(Page 62.)

Night work. SECTION 1. * * * No person under the age of eighteen (18) years shall be employed in any bakehouse between the hours of nine (9) o'clock at night and five (5) in the morning. Excepted from this rule shall be the time on Sunday for setting the sponges for the night's work following.

Hours of labor. SEC. 13. No minor male or female, or adult woman, shall be employed at labor or detained in any biscuit, bread, pie or cake bakery, pretzel or macaroni establishment, for a longer period than twelve hours in any one day, nor for a longer period than sixty hours in any one week.

Penalty. SEC. 23. Any person who violates any of the provisions of this act, * * * shall be guilty of a misdemeanor, and on conviction before any justice of the peace, magistrate, alderman, mayor or burgess, shall be punished by a fine of not less than twenty nor more than fifty ($50) dollars, for a first offense; and not less than fifty ($50) [dollars] nor more than one hundred ($100) dollars, for a second offense, or imprisonment for not more than ten (10) days; and for a third offense, by a fine of not less than two hundred and fifty ($250) dollars and [not] more than thirty (30) days imprisonment.

Employment of children—School attendance.

(Page 143.)

School attendance required. SECTION 128 (as amended by act No. 237, Acts of 1907). Every parent, guardian, or other person in this Commonwealth having control or charge of a child, or children, between the ages of eight and sixteen years, shall be required to send such child, or children, to a day school in which the common English branches are taught, and such child or children shall attend such school continuously during the entire time in which the public school in their respective districts shall be in session, unless such child or children shall be excused from such attendance by the board of the school district in which the parent, guardian or other person resides, upon the presentation to said board of satisfactory evidence showing such child or children are prevented from attendance upon school or application to study by mental, physical or other urgent reasons. But the term urgent reasons shall be strictly construed, and shall not permit of irregular attendance: *Provided*, That the school board in each district shall have power, at its June meeting, to reduce the period of compulsory attendance to not less than seventy per centum (70 per centum) of the school term in such district, in which case the board must, at that date, fix the time for compulsory attendance to begin. This act shall not apply to any child between

Literates. the ages of fourteen and sixteen years, who can read and write the English language intelligently, and is regularly engaged in any useful employment or service. A certificate of age, and ability to read and write the English language intelligently, shall be issued by the superintendent of schools, notary public, justice of the peace, or any other person duly authorized to administer oaths, in cities and boroughs, and by the secretary of the school board in rural districts: *Provided*, That in case there be no public school in session within two miles, by the nearest traveled road, of any person within the school district, he or she shall not be liable to the provisions of this act: *Provided*, That this act shall not apply to any child that has been or is being otherwise instructed in English in the common branches of learning, for a like period of time, by any legally qualified governess or private teacher in a family: *And provided further*, That any teacher or principal of any

Employers to furnish lists. private school or educational institution shall report nonattendance, as provided in section five (5) of this act [sec. 132.]: *Provided further*, That any person employing a child, or children, shall furnish, on or before the third Monday of the school term, and quarterly thereafter, to the superintendent of schools, to the secretary of the board of school directors or controllers of the district in which such child or children

reside, the name, age, place of residence, and name of parent or guardian, of every person under the age of sixteen years in his employ at the time of said report: *And provided, also,* That the certificate of any principal or teacher of a private school, or of any institution for the education of children, in which the common English branches are taught, setting forth that the work of said school is in compliance with the provisions of this act, shall be sufficient and satisfactory evidence thereof, and the principal or teacher of said school or institution shall have the power to excuse any child or children for nonattendance during temporary periods, in accordance with the provisions of this act.

Violations

SEC. 129 (as amended by act No. 241, Acts of 1907). * * * Any person, firm, or corporation who shall employ, or have in his or their employ, any child not in attendance at school as provided in section one (1) of this act [sec. 128], shall be guilty of a misdemeanor, and, upon conviction thereof before a justice of the peace, magistrate, or alderman, shall be fined in the sum of ten dollars for the first offense, and in the sum of thirty dollars for each subsequent offense: *Provided,* Upon conviction, the defendant or defendants may appeal to the court of quarter sessions of the peace of the proper county, within five days, upon entering into recognizance with one surety for the amount of the fines and costs. The fines provided for by this act shall, when collected, be paid over by the officers collecting the same, into the school treasury of the respective districts, for the use of the said school district of the city, borough, or township in which such principal, or teacher, or person in parental relation, convicted, resides; or in cases of conviction for employing or having in employ any child not in attendance at school, as provided in section one (1) of this act, for the use of the said school district of the city, borough, or township in which such child is employed; to be applied and accounted for by such treasurers in the same way as other moneys raised for school purposes. Such fines shall be collected by a process of law similar to the collection of other fines.

Attendance officers.

SEC. 130 (as amended by act No. 241, Acts of 1907). The board of school directors or school controllers shall in cities, and may in all other school districts, employ one or more persons, to be known as attendance officers, * * * Such attendance officers shall have authority to enter any place wherein any gainful occupation is carried on, to ascertain whether any child or children not in attendance at school, as provided in section one (1) of this act [sec. 128], are employed therein; and, in pursuance of such authority, such officers, shall have the right to inspect any employment certificates, notices, registers, or other lists required by law to be kept on file or to be posted therein. Any owner, superintendent, lessee, or other person in charge of any place wherein any gainful occupation is carried on, who shall refuse admittance to an attendance officer, or opportunity to an attendance officer for inspecting freely any child or children employed therein, or who shall refuse to permit inspection by an attendance officer of any employment certificate, notice, registers, and other lists required by law to be filed or to be posted therein, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not less than twenty-five dollars nor more than fifty dollars. Such attendance officers shall have authority to dismiss from employment, in any such place wherein any gainful occupation is carried on, any child or children not in attendance at school as provided in section one (1) of this act [sec. 128] and employed therein, and dismissal to take effect at the end of working hours upon the day upon which such dismissal is ordered: *Provided,* That any child who shall be aggrieved by the order of dismissal of such attendance officer shall have the right of appeal, forthwith, to the county, city, or borough common school superintendent of the district wherein such child was employed, or his deputy duly authorized by him to hear such appeals, whose duty it shall be forthwith to hear and decide such appeal: *Provided, further,* That such child who shall be aggrieved by the decision, upon such appeal, of a county, city, or borough common school superintendent, or his deputy aforesaid, shall have the right of appeal to the court of quarter sessions of the peace of the county wherein such child was employed, which court is

authorized to hear and decide such appeal, and whose decision shall be final. * * *

Enforcement. SEC. 132 (as amended by act No. 241, Acts of 1907). * * * In all cases of the violation, by any person, firm, or corporation, or of any owner, superintendent, lessee, or other person, in charge of any place wherein any gainful occupation is carried on, of any of the provisions of this act, the superintendent of schools, or the secretary of the board of directors or controllers, or attendance officer if there be one, of the school district within which the offense is alleged to have been committed, in the name of the school district, shall proceed against the offending parties in accordance with the provisions of this act: *Provided*, That if the costs of prosecution can not be collected from such offending parties defendant, said costs may be paid out of the district funds, upon a proper voucher approved by the board of directors or controllers.

Employment of women.

(Page 254.)

Seats to be provided. SECTION 6. Every person, firm, association, individual, partnership or corporation, employing girls or adult women in any manufacturing, mechanical or mercantile industry, laundry, workshop, renovating works, or printing office in this State, shall provide suitable seats for the use of the girls and women so employed, and shall permit the use of such by them when they are not necessarily engaged in the active duties for which they are employed.

Toilet rooms. SEC. 10. A suitable and proper wash and dressing room and water-closets shall be provided for males and females, where employed in factories and department stores; and the water-closets, wash and dressing room used by females shall not adjoin those used by males, but shall be built entirely away from them, and shall be properly screened and ventilated, and at all time[s] kept in a clean condition.

Penalty. SEC. 21. Any person who violates any of the provisions of this act, or who suffers any child or female to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by [a] fine of not more than five hundred dollars. In all such cases the hearing shall be conducted by the alderman or justice of the peace before whom information is lodged, and, after full hearing of parties in interest, the alderman or justice of the peace shall impose the fine herein provided, which shall be final unless an appeal be taken to the court of quarter sessions within twenty days from the date of the imposition of the fine, as herein provided.

This act (passed in 1901) supersedes the act of 1897. The act of 1897 was constitutional. 15 Superior Ct. 5. The provisions of the act of 1901 which related to the employment of children have been omitted as superseded by act No. 226, Acts of 1905.

ACTS OF 1905.

ACT No. 222.—*Employment of children in mines.* (a)

Age limit. SECTION 1. It shall be unlawful for any person, firm, copartnership or corporation to employ any minor child, under the age of sixteen years, inside of any anthracite coal mine, or to employ any minor child, under the age of fourteen years, in any anthracite coal breaker or colliery, or around the outside workings of any anthracite coal mine.

Enforcement. SEC. 2. It shall be the duty of the chief of the department of mines of this Commonwealth, and the right of any citizen of this Commonwealth, in the name of the Commonwealth of Pennsylvania, upon any violation of the provisions of section one of this act, to bring suit in the court of common pleas of the county wherein said offense or violation occurred; and if, upon the trial of the case, the jury shall find that such violation did occur, they shall render a verdict against the offending party or parties, to an

a This act, except sections one, two, and fourteen, was declared unconstitutional by the court of common pleas of Luzerne County, and, on appeal, by the superior court of the State. (Collett *v.* Scott.) It is here reproduced, however, as it has not yet been passed upon by the supreme court of the State.

amount equal to ten dollars for each and every day said minor child or children were employed contrary to the provisions of this act; said amounts, when collected, to be paid into the State treasury, for the use of the Commonwealth; and the State treasurer shall return one-half of the fine or fines so collected to the school district in which the child, so illegally employed, resided.

Certificates

SEC. 3. It shall be unlawful for any person, firm, copartnership or corporation to employ any minor child in or about any anthracite coal mine or colliery, or to permit any such minor child to work in or around any anthracite coal mine or colliery, unless the person, firm, copartnership or corporation, employing said child or permitting said minor child to work, is furnished with and keeps on file an employment certificate, as hereinafter prescribed, and maintains a complete list of such children employed. Such lists and employment certificates, at all times during the employment of such minor children, shall be subject to the inspection of any common school superintendent, any truant or attendance officer of any school district, the chief of the department of mines of this Commonwealth, or any mine inspector, and shall be returned to each child when his or her employment shall cease.

Who may issue.

SEC. 4. It shall be the duty of the city, borough or township common school superintendents within their various jurisdictions, and of the principal teacher, where no common school superintendent has jurisdiction, or their duly authorized deputies, to issue the employment certificates provided for in this act; but no principal teacher shall be authorized to issue said employment certificates within any district under a duly authorized common school superintendent. The district of such city, borough or township superintendent or principal teacher shall be the same as that in which the child seeking an employment certificate resides. Said employment certificate shall only be issued after the affidavits and documents hereinafter prescribed have received careful consideration by said common school superintendent or principal teacher, as the case may be, or their duly authorized deputies, as aforesaid; and no fee or emolument shall be charged for issuing the same.

Proof of age.

SEC. 5. An affidavit, in duplicate, as to the age of any child under sixteen years seeking an employment certificate, shall be made by the father, mother, guardian or custodian of the child; and shall set forth the place and date of his or her birth, and the date and place of his or her baptism or circumcision, if any; shall be accompanied by a certificate of the registration of birth, baptism or circumcision of such child, as kept by any religious [religious] denomination; or by a certificate of the registration of his or her birth, as kept by any public authority, or, in the case of a foreign-born child, a true copy of passenger manifest, passport or other official record, filed at the office of the commissioner of immigration, at the port of arrival.

Forms of certificates.

SEC. 6. The employment certificate required by the third section of this act, shall consist of the affidavit as to age, made before the city, borough or township common school superintendent, or principal teacher, as aforesaid, or their duly authorized deputies; and the other certificate, as herein provided, together with the certificate of approval by the said common school superintendent or principal teacher, as the case may be, or their duly authorized deputies, as hereinbefore provided, and shall be called employment certificate number one, and shall be in form following:

EMPLOYMENT CERTIFICATE, NUMBER 1.

COMMONWEALTH OF PENNSYLVANIA, }
COUNTY OF ——— } *ss.*

1. Affidavit of parent, guardian or custodian.

——— ——— being duly sworn (or affirmed) according to law, deposes and says: I am the (father, mother, guardian or custodian) of (name of child), and that to the best of my knowledge and belief (he or she) was born at (name of village, township, town or city) in the State (or country) of ———, on the (here

state day, month and year of birth), and is now (state years and months of age), and that (he or she) was baptised (or circumcised) in the (state name of church) at (name of place), in the State (or country) of ——— on the (state day, month and year of baptism or circumcision).

(Signature of person making oath).

2. Examination and approval of affidavit and certificates.

Personally appeared before me the above named (name of person signing), this —— day of ———, Anno Domini one thousand nine hundred ———, at (town or city), and made oath that the aforesaid affidavit signed by (him or her) is true, to the best of (his or her) knowledge and belief. I hereby approve the foregoing affidavit as to age of (name of child); height, (feet and inches); eyes, (color); complexion, (dark or fair); hair, (color). I hereby certify that I have examined the affidavits of (parent, guardian or custodian), the certificate of religious record of birth, baptism or circumcision, the certificate of public registration of birth, the passport, or other official immigration record (strike out the alternative certificates not presented); and find that these certificates or certificate agree in every particular with the statements of the affidavit. These certificates or certificate furnish proof that (he or she) is now —— years of age. I further certify, that (he or she) can read at sight, and write legibly simple sentences in the English language, has complied with the education laws of this Commonwealth now in force, and may be employed at such times and in such employments as the laws of this Commonwealth permit such children to be employed.

This certificate belongs to (name of child), and is to be surrendered to (him or her) when (he or she) leaves the service of the corporation, firm, copartnership, or person employing the same and holding this certificate, and if not claimed by such child within thirty days from such time shall be returned to the said common school superintendent or principal teacher, as the case may be.

(Signature of person authorized to approve and sign, with official character and authority.)

Provided, That where no certificate of registration of birth, baptism or circumcision of such child is obtainable, or, in case of a foreign-born child, no copy of passenger manifest, passport or other official record of the child's age is obtainable, such certificate or copy may be substituted by an affidavit, by the father, mother, guardian or custodian of such child, setting forth his or her age, and date and place of his or her birth; which affidavit shall be accompanied by a statement of the principal teacher of the last school which said child attended, certifying that such child has received instruction in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic, to and including fractions; in which case the employment certificate shall be called employment certificate number two, and shall be in form following:

EMPLOYMENT CERTIFICATE, NUMBER 2.

COMMONWEALTH OF PENNSYLVANIA, }
COUNTY OF ———. } *ss.*

1. Affidavit of parent, guardian or custodian.

——— ——— being duly sworn (or affirmed) according to law, deposes and says: I am the (father, mother, guardian or custodian) of (name of child), and that, to the best of my knowledge and belief (he or she) was born at (name village, township, town or city), in the State (or country) of ——— on the (here state day, month and year of birth), and is now (state years and months of age), and that (he or she) was baptised (or circumcised) in the (state name of church) at (name of place), in the State (or country) of ———, on the (state day, month and year of baptism or circumcision).

(Signature of person making oath.)

2. Examination of affidavit and school record.

Personally appeared before me the above named (name of person signing), this —— day of ———, Anno Domini [one thousand] nine hundred ———, at (town or city), and made oath that the aforesaid affidavit signed by (him or her) is true, to the best of (his or her) knowledge and belief. I hereby approve the foregoing affidavit as to age of (name of child); height, (feet and inches); eyes, (color); complexion, (dark or fair); hair, (color). Having no sufficient reason to doubt that (he or she) is of the age therein certified, I hereby certify that (he or she) can read at sight, and write legibly simple sentences in the English language; that (he or she) has regularly attended the public schools, or schools equivalent thereto, during the year previous to applying for such school record, and for the period required by the compulsory attendance laws of this Commonwealth. I have examined the certificate furnished by the principal teacher of the last school which said child attended, which states that (he or she) has received instruction in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic, to and including fractions. I have further satisfied myself that the certificate required by law as to proof of age can not be produced, for good cause, and said child may be employed at such times and in such employments as the laws of this Commonwealth permit children to be employed.

This certificate belongs to (name of child), and is to be surrendered to (him or her) when (he or she) leaves the service of the corporation, copartnership, firm, or person or employer, holding the same; but if not claimed by said child within thirty days from such time, it shall be returned to the said common school superintendent or principal teacher, as the case may be.

(Signature of person authorized to approve and sign, with official character or authority.)

Blanks to be furnished.

SEC. 7. The blank forms of these several certificates shall be furnished, free of charge, by the department of mines of this Commonwealth, upon application by the proper persons, and shall be uniform throughout the State. A duplicate of each employment certificate shall be filled out and kept on file by the city, borough or township common school superintendent, or the principal teacher in localities not under the jurisdiction of any city, borough or township superintendent issuing the certificate, together with a certificate of the registration of birth, baptism or circumcision, or, in case of a foreign-born child, a copy of passenger manifest, passport, or other official record, as herein provided by this act.

Files.

False swearing.

SEC. 8. False swearing to any affidavit given in accordance with the provisions of this act shall constitute perjury, and be punishable as such.

Evidence.

SEC. 9. A failure to produce to the common school superintendent, any truant or attendance officer, the chief of the department of mines of this Commonwealth, or any mine inspectors, an employment certificate and the list required by this act, when requested so to do, shall be prima facie evidence of the illegal employment of any minor child whose employment certificate is not produced or whose name is not so listed; and it shall be the duty of the chief of the department of mines of this Commonwealth, and the right of any citizen of this Commonwealth, in the name of the Commonwealth of Pennsylvania, upon any violation of the provisions of this act providing for the keeping and filing of said employment certificate and list of minor children, to bring suit in the court of common pleas of the county wherein said violation occurred; and if, upon the trial of the case, the jury shall find such violation actually did occur, they shall render a verdict against the offending party or parties to an amount equal to ten dollars for each and every day said minor child or children were employed contrary to the provisions of this act; said amounts, when collected, to be paid into the State treasury for the use of the Commonwealth; and the State treasurer shall

Penalty.

return one-half of the fine or fines so collected to the school district in which the child, so illegally employed, resided.

Enforcement. SEC. 11. Truant or school attendance officers shall report any cases of such illegal employment to the city, borough or township superintendent, or to the principal teacher in localities not under the jurisdiction of any city, borough or township superintendent, and to the inspector of mines of the district.

Powers of school officers. SEC. 12. The city, borough or township superintendent, and the principal teachers in localities not within the jurisdiction of any common school superintendent, and their duly authorized deputies, shall have the power to administer oaths and affirmations in all matters where persons desire to swear to, affirm or verify any documents or affidavits necessary to properly carry out the provisions of this act.

ACT No. 226.—*Employment of women and children.*

Definition. SECTION 1. The term "establishment" where used for the purpose of this act, shall mean any place within this Commonwealth other than where domestic, coal-mining or farm labor is employed; where men, women or children are engaged, and paid a salary or wages, by any person, firm or corporation, and where such men, women or children are employees, in the general acceptance of the term.

Age limit. SEC. 2. No child under fourteen years of age shall be employed in any establishment.

Hours of labor. SEC. 3. No minor under sixteen, and no female, shall be employed in any establishment for a longer period than sixty hours in any one week, nor for a longer period than twelve hours in any one day. No minor under sixteen shall be employed in any establishment between the hours of nine postmeridian and six antemeridian: *Provided*, That where the material in process of manufacture requires the application of manual labor for an extended period after nine o'clock postmeridian, to prevent waste or destruction of said material, male minors over fourteen years of age, and who have not been employed in or about such establishment between the hours of six antemeridian and nine postmeridian, may be employed, for not more than nine consecutive hours in any one day, after nine postmeridian: *And provided further*, That in establishments where night work is hereby permitted to prevent waste or destruction, and where the nature of the employment requires two or more working shifts in the twenty-four hours, males over fourteen years of age may be employed, partly by day and partly by night: *Provided*, Said employment does not exceed nine consecutive hours: *And provided further*, That retail mercantile establishments shall be exempt from the provisions of this section on Saturday of each week, and during a period of twenty days beginning with the fifth day of December and ending with the twenty-fourth day of the same month: *Provided*, That during the said twenty days preceding the twenty-fourth day of December, the working hours shall not exceed ten hours per day, or sixty hours per week.

Night work.

Proviso.

A provision of law limiting the hours of labor of adult females is within the police power of the State, and does not interfere with their constitutional rights, nor is it class legislation. 15 Superior Ct. 5.

Cleaning moving machinery. SEC. 4. No minor under sixteen years of age shall be permitted to clean or oil machinery while in motion, or to operate, or otherwise have the care or custody of, any elevator or lift.

Certificates. SEC. 5. It shall be unlawful for the owner, superintendent, lessee, or other person in charge of any establishment where persons are employed for wages or salary, to employ any child between the ages of fourteen and sixteen years, unless there is first provided, and placed on file in the office of the establishment where said child is employed, a certificate in the form provided by the chief factory inspector, which certificate shall be uniform throughout the State. It shall be the duty of the factory inspector or any of his office force, the deputy factory inspectors, or of the

city or borough common school superintendents within their various jurisdictions, or of the principal teacher of the common schools in localities not under the jurisdiction of any city or borough superintendent, or of their respective duly authorized deputies, to issue the employment certificate hereinafter prescribed. No principal teacher shall be authorized to issue said employment certificate within any district over which a superintendent has jurisdiction. The district of such city or borough superintendent or principal teacher shall be the same as that in which the child seeking an employment certificate resides.

Contents.

SEC. 6. The employment certificate shall state the name, age, date, place of birth, and description (including color of eyes, hair and complexion) of said child, its residence, and the residence of its parent, guardian or custodian, and the ability of said child to read and write simple sentences in the English language, that it has complied with the educational laws of the Commonwealth, and is physically able to perform the work to be required of it.

Proof of age, etc.

Provided, That before any such certificate of employment is issued, the person authorized to issue the same shall first demand and obtain of the parent, guardian or custodian of said child an affidavit, sworn to before any officer authorized to administer oaths, made by him or her, stating the age, date and place of birth of said child; and shall further demand and obtain a certificate of said child's birth, as kept by any public authority, or, transcript of the record of its birth, baptism or circumcision, as kept by any religious denomination, or, in the case of a foreign-born child (if such evidence of age be lacking), a true copy of the passenger manifest, passport or official record filed at the office of the commissioner of immigration at the port of arrival, as corroborative evidence of the truth of the facts set forth in the affidavit; and shall note in his statement, as aforesaid, the character of such record and by what public or religious authority the same is issued: *Provided, however*, That where no such transcript of public or religious record, or passenger manifest, passport or official record, as aforesaid, of said child's age is obtainable, the same may be substituted by a statement signed by the principal teacher of the last school which said child attended, certifying that said child has received instruction in reading, spelling, writing, English grammar, and geography, and is familiar with the fundamental operations of arithmetic, and has completed the course of study in the common schools prescribed for the first five years, or a course of study in other schools equivalent thereto. At the time of the issue of the employment certificate, the person so issuing the same shall make one copy thereof, which copy shall be filed, within ten days from the date of its issue, in the office of the common school superintendent in the district in which the child holding the certificate resides; and in districts not having such a superintendent, the said copy shall be filed in the office of the chief factory inspector, and shall be subject to the inspection of the public. The certificate of the registration of birth, baptism or circumcision, or, in the case of a foreign-born child, the copy of passenger manifest, passport or official record, as hereinbefore prescribed, or, in the absence of such transcripts, the statement of the principal teacher, certifying that such child has received instruction as prescribed, as well as the affidavit of the parent, guardian or custodian, shall be filed with a copy of said employment certificate. The certificate when issued shall be the property of the said child, who shall be entitled to a surrender of the certificate to him or her by the employer whenever said child shall leave the service of any employer holding the certificate.

Laws, etc., to be posted.

SEC. 10. Every person, firm or corporation employing men, women or children, in any establishment, shall post and keep posted in a conspicuous place, in every room where such help is employed, a printed copy of the factory laws, a printed notice stating the number of hours per day for each day of the week required of such persons; and in every room where children under sixteen years of age are employed, a list of their names, with their ages.

Enforcement.

SEC. 25. The chief factory inspector shall prepare the form of the employment certificates for children, and the permits, blanks, orders and notices required by this act; the same to be printed in accordance with the laws regulating printing and publishing, under the supervision of the superintendent of public printing and binding. He shall also divide the State into inspection districts, and assign one of the deputy factory inspectors to each district, and may transfer any of the said inspectors from one district to another, and make such rules and regulations governing their employment as the best interests of the service shall require. And he, the deputy factory inspector, and those employed in the office of the chief factory inspector, shall have the same power to administer oaths or affirmations as is now given to notaries public, in all cases where any person desires to verify documents necessary and incident to the issuing of employment certificates for children.

PORTO RICO.

REVISED STATUTES AND CODES—1902.

REVISED STATUTES.

Hours of labor of children—Inhumane treatment.

Six hours a day's work.

SECTION 166. No child of either sex, under sixteen years shall be compelled to work in agricultural factories and manufacturing establishments over six hours per day, three in the morning and three in the afternoon. All persons who shall violate this provision shall be fined in a sum of from five to fifteen dollars, or imprisonment not to exceed thirty days for each offense.

Inhumane treatment forbidden.

SEC. 167. No foreman, teacher or other person having under his charge the work, care or education of a minor under sixteen years of age, shall resort to inhumane treatment to compel such minor to work or to study. Any violation of the provisions hereof shall be punished with a fine of from five to fifteen dollars or imprisonment not to exceed thirty days for each offense.

PENAL CODE.

Certain employments of children forbidden.

Mendicant, etc., occupations.

SECTION 265. Any person, whether as parent, relative, guardian, employer or otherwise, having in his care, custody, or control any child under the age of twelve years, who shall sell, apprentice, give away, let out, or otherwise dispose of any such child to any person, under any name, title, or pretense, for the vocation, use, occupation, calling, service of begging, or peddling, in any public street or highway, or in any mendicant or wandering business whatsoever, and any person who shall take, receive, hire, employ, use, or have in custody any child for such purposes, or either of them, is guilty of a misdemeanor.

CIVIL CODE.

Earnings of minors.

Usufruct belongs to parents, when.

SECTION 225. Property acquired by an unemancipated child by labor or industry, or for any valuable consideration, belongs to the said child, but the usufruct thereof belongs to the parents having potestas over him whilst he lives in their company; but if the child, with the consent of his parents, lives independently, he shall be deemed emancipated for all effects as regards the said property, and he shall be the full owner and have the usufruct and administration thereof.

Earnings, etc., of married women.

SECTION 1314. The following is the separate property of each of the spouses: Earnings separate property.

* * * * *

2. That acquired for a good consideration by either of them during the marriage.

* * * * *

RHODE ISLAND.

GENERAL LAWS OF 1896.

CHAPTER 68.—*Employment of children.*

SECTION 1 (as amended by chapter 1215, enacted 1905). No child under thirteen years of age shall, on or before the thirty-first day of December, A. D. 1906, and no child under fourteen years of age shall, after said thirty-first day of December, A. D. 1906, be employed or permitted or suffered to work in any factory, manufacturing or business establishment within this State, and no child under sixteen years of age shall be employed or permitted or suffered to work in any factory or manufacturing or business establishment within this State between the hours of eight o'clock in the afternoon of any day and six o'clock in the forenoon of the following day: *Provided, however,* That this restriction as to hours of work shall not apply to mercantile establishments on Saturdays, or on either of the four days immediately preceding Christmas in each year. No child under sixteen years of age shall be employed or permitted or suffered to work in any factory or manufacturing or business establishment unless said child shall present to the person or corporation employing him or her a certificate, given by or under the direction of the school committee of the city or town in which said child resides, certifying, if said certificate is presented on or before the thirty-first day of December, A. D. 1906, that such child has completed thirteen years of age, and if said certificate is presented after said thirty-first day of December, A. D. 1906, that said child has completed fourteen years of age, and stating the name, date and place of birth of such child, which facts shall be substantiated by a duly attested copy of birth certificate, baptismal certificate, or passport, stating also the name and place of residence of the person having control of such child: *Provided, however,* That all age certificates in force at the time of the passage of this act shall be valid until the first day of January, A. D. 1906, and no longer. All certificates required by this act relating to the qualification of children employed in any factory or manufacturing or business establishment coming under the provision of this statute shall be kept by the employer at the place where such child is employed, and shall be shown to the factory inspectors provided for in this chapter, or either or any of them, on demand by said inspector or inspectors; and the proprietor or manager of any such factory or manufacturing or business establishment who shall refuse to show to any factory inspector any such certificate when demand is made therefor shall be deemed guilty of a misdemeanor and, on conviction, be punished by a fine of not less than ten dollars nor more than fifty dollars. When any child employed under the provisions of this section leaves his employment, the person or corporation by whom such child has been employed shall, on demand by said child, deliver to him (or her) the certificate on the authority of which such child has been employed or, if such certificate is not demanded by said child, shall within two weeks after said child has left the employment of said person or corporation send said certificate to the school committee which issued it, or such person as the school committee may designate. The school committee of each town, or such person as the school committee may designate to issue the certificates provided for in

Age limit.

Night work.

Certificates.

this section, shall keep on file a copy of each certificate granted, together with the evidence of the date of birth on the basis of which such certificate is granted. The certificates provided for in this section shall be uniform throughout the State and in the following form or such substantially similar form as may be approved by the secretary of the State board of education.

AGE AND SCHOOLING CERTIFICATE.

Form.

This certifies that I am the (father, mother, guardian, or custodian) of (name of child) ——— ———, and that (he or she) was born at (name of town or city) ——— in the county (name of county, if known) ——— and State (or country) of ——— on the (day and year of birth) —— ——— and is now (number of years and months) —— —— old.

(Signature of father, mother, guardian, or custodian.)

(Town or city and date.)

There personally appeared before me the above-named (name of person signing) ——— ———, and made oath that the foregoing certificate by (him or her) signed is true to the best of (his or her) knowledge and belief. I hereby approve the foregoing certificate of (name of child) ——— ——— height (feet and inches) —— —— eyes (color) ——— complexion (fair or dark) hair (color) ———, having no sufficient reason to doubt that (he or she) is of the age therein certified, and is apparently in sound health and physically able to perform the work which (he or she) intends to do.

This certificate belongs to (name of child in whose behalf it is drawn) ——— ———, and is to be surrendered to (him or her) whenever (he or she) leaves the service of the corporation or employer holding the same; but if not claimed by said child within two weeks from such time it shall be returned to the school committee or such person as such committee may designate.

(Signature of person authorized to approve and sign, with official character or authority.)

(Town or city, and date.)

No action will lie to recover a minor's wages earned while employed in violation of this statute. 13 R. I. 299.

Application of law.

SEC. 2 (as amended by chapter 1458, enacted 1907). Every person, firm, or corporation doing business within this State employing five or more persons, or employing any child under sixteen years of age, shall be subject to the provisions of this chapter, whatever shall be the business conducted by said person, firm, or corporation: *Provided, however,* That the provisions of this act shall not apply to children employed in household service or in agricultural pursuits. *And provided, further,* That said provisions shall not apply to the employment of children in the vocation, occupation, or service of rope or wire walking, or as gymnasts, wrestlers, contortionists, equestrian performers, or acrobats, riders upon bicycles or mechanical contrivances, or in any dancing, theatrical, or musical exhibition, but the employment of children in any vocation, occupation, or service enumerated in this proviso shall continue to be governed by the provisions of the General Laws, chapter 115, and the several amendments thereof.

Cleaning moving machinery.

SEC. 6. No minor under sixteen years of age shall be allowed to clean machinery while in motion, unless the same is necessary and is approved by said inspectors as not dangerous. * * *

Water closets, etc., for female employees.

SEC. 8. Water-closets, earth closets or privies shall be provided in all places where women and children are employed, in such manner as shall, in the judgment of said inspectors, meet the demands of health and propriety. Separate dressing rooms for women and girls shall be provided in all establishments where such are deemed a necessity by said factory inspectors; and in every manufacturing, mechanical or mercantile establishment in which women and girls are employed, there shall be provided, conveniently located, seats for such women and girls, and they shall be permitted to use them when their duties do not require their standing.

Seats.

Penalty.

SEC. 12 (as amended by chapter 1215, Acts of 1905). Any person or corporation who employs a child under sixteen years of age without the certificate required by section one of this chapter, or who makes

false statement in regard to any part required by such certificate or who violates any of the provisions of this chapter, or who suffers or permits any child or woman to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor and, on conviction, shall be punished by a fine of not more than five hundred dollars: *Provided, however*, That this section shall not apply to that portion of section 1 of this chapter which fixes the penalty for the refusal to show to the inspector any certificate provided for in that section.

CHAPTER 108.—*Employment of children on elevators.*

SECTION 16 (as amended by chapters 921, enacted 1901, and 973, enacted 1902). * * * No person under the age of eighteen years shall take charge of or operate any passenger elevator. Age limit.

CHAPTER 115.—*Certain employments of children forbidden.*

SECTION 4 (as amended by chapter 475, enacted 1897). Every person having the custody or control of any child under the age of sixteen years, who shall exhibit, use or employ, or shall in any manner or under any pretense sell, apprentice or give away, let out or otherwise dispose of any such child to any person for or in the vocation, occupation, service or purpose of rope or wire walking, or as a gymnast, wrestler, contortionist, equestrian performer, acrobat, or rider upon any bicycle or mechanical contrivance, or in any dancing, theatrical or musical exhibition unless it be in connection with churches, schools, or private instruction in dancing or music or unless it be under the auspices of a Rhode Island society incorporated, or organized without incorporation, for a purpose authorized by section 11 of chapter 176 of the General Laws, or unless it be with the written consent, previously obtained and revocable at will, of the mayor of the city or the president of the town council where such child is to be employed; or for or in gathering or picking rags, or collecting cigar stumps, bones, or refuse from markets, or in begging, or in any mendicant or wandering occupation, or in peddling in places injurious to the morals of such child; * * * or in any illegal, obscene, indecent, or immoral purpose, exhibition or practice whatsoever; or for or in any business, exhibition or vocation injurious to the health or morals, or dangerous to the life or limb of such child, or who shall cause, procure or encourage any such child to engage therein, or who after being notified by an officer mentioned in section 6 of this chapter to restrain such child from engaging therein, shall neglect or refuse to do so, shall be held guilty of a misdemeanor and shall, for every such offense, be imprisoned not exceeding one year or be fined not exceeding two hundred [and] fifty dollars, or be both fined and imprisoned as aforesaid, and shall forfeit any right which he may have to the custody of such child. Acrobatic mendicant, etc., occupations.

SEC. 5 (as amended by chapter 475, enacted 1897). Every person who shall take, receive, hire or employ, exhibit, or have in custody, or who shall cause to be taken, hired or employed, exhibited, or held in custody, any child under the age of sixteen years, for any of the purposes prohibited in the preceding section, shall be held guilty of a misdemeanor, and shall be punished for every such offense in the manner provided in said section. Hiring child.

SEC. 6 (as amended by chapter 475, enacted 1897). The town sergeant of any town, the chief of police of any city, or the general agent or agents of the Rhode Island Society for the Prevention of Cruelty to Children may enter any place where any child may be held, detained or employed in violation of this chapter, and without process of law, seize and detain such child and hold him as a witness to certify upon the trial of any person charged with violating the provisions of this chapter; * * * Enforcement.

CHAPTER 194.—*Earnings of married women.*

SECTION 1. The real estate, chattels real, and personal estate, which are the property of any woman before marriage, or which may become the property of any woman after marriage, or which may be acquired Earnings separate property.

by her own industry, including damages recovered in suits or proceedings for her benefit and compensation for her property taken for public use, and the proceeds of all such property, shall be and remain her sole and separate property free from control of her husband.

CHAPTER 198.—*Hours of labor of women and children.*

Limit of fifty-eight hours.

SECTION 22 (as amended by chapter 994, enacted 1902). No minor under sixteen years of age, and no woman, shall be employed in laboring in any manufacturing or mechanical establishment more than fifty-eight hours in any one week; and in no case shall the hours of labor exceed ten hours in any one day, excepting when it is necessary to make repairs to prevent the interruption of the ordinary running of the machinery, or when a different apportionment of the hours of labor is made for the sole purpose of making a shorter day's work for one day of the week.

Schedule to be posted.

Every employer shall post in a conspicuous place in every room where such persons are employed a printed notice stating the number of hours' work required of them on each day of the week; and the employment of any such person for a longer time in any day than so stated shall be deemed a violation of this section, unless it appears that such employment is to make up for time lost on some previous day of the same week in consequence of the stopping of the machinery upon which such person was employed or dependent for employment: *Provided*, That the provisions of this section shall not be construed to enlarge or impair any restriction placed upon the employment of any minor mentioned in chapter 64.

Penalty.

SEC. 23. Every person who willfully employs, or has in his employment or under his charge any person, in violation of the provisions of the preceding section, and every parent or guardian who permits any such minor to be so employed, shall be fined not exceeding twenty dollars for each offense. A certificate of the age of a minor, made by him or by his parent or guardian, at the time of his employment in a manufacturing establishment, shall be conclusive evidence of his age upon any trial of any person other than the parent or guardian for a violation of the preceding section.

SOUTH CAROLINA.

CODE OF 1902.

CIVIL CODE.

Earnings of married women.

Earnings separate property.

SECTION 2666. All the earnings and income of a married woman shall be her own separate estate, and shall be governed by the same provisions of law as apply to her other separate estate.

Earnings of minors.

Wages to be paid parents, when.

SECTION 2694. If any person shall hire or employ any minor, or person under the age of twenty-one years, without the knowledge and consent of the parents or guardian of such minor, such person shall pay to the said parents or guardian the full value of the labor of said minor from and after notice from the parents or guardian that payment of such service shall be made to him or them, as the case may be.

CRIMINAL CODE.

Seats for female employees.

Seats to be provided.

SECTION 333. It shall be the duty of all employers of females in any mercantile establishment, or any place where goods or wares or merchandise are offered for sale, to provide and maintain chairs or stools, or other suitable seats, for the use of such female employees, to the number of one seat for every three females employed, and to permit the use of such seats by such employees, at reasonable times, to such an extent as may be requisite for the preservation of their health. And

such employees shall be permitted to use same, as above set forth, in front of the counter, table, desk or any fixture when the female employee for the use of whom said seat shall be kept and maintained is principally engaged in front of said counter, table, desk or fixture; and behind such counter, table, desk or fixture when the female employee for the use of whom said seat shall be kept and maintained is principally engaged behind said counter, table, desk or fixture.

Any person who violates or omits to comply with any of the foregoing provisions of this section, or who suffers or permits any woman to stand, in violation of its provisions, shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars for each offense.

ACTS OF 1903.

Act No. 74.—*Employment of children.*

Age limit.

Section 1. From and after the first day of May, 1903, no child under the age of ten years shall be employed in any factory, mine or textile manufacturing establishment of this State; and from and after the first day of May, 1904, no child under the age of eleven shall be employed in any factory, mine or textile establishment of this State; from and after the first day of May, 1905, no child under the age of twelve years shall be employed in any factory, mine or textile establishment of this State, except as hereinafter provided.

Night work.

Sec. 2. From and after May first, 1903, no child under the age of twelve years shall be permitted to work between the hours of 8 o'clock p. m. and 6 o'clock in the morning in any factory, mine or textile manufactory of this State: *Provided*, That children under the age of twelve, whose employment is permissible, under the provisions of this act, may be permitted to work after the hour of 8 p. m. in order to make up lost time, which has occurred from some temporary shut down of the mill, on account of accident or breakdown in the machinery, which has caused loss of time: *Provided, however*, That under no circumstances shall a child below the age of twelve work later than the hour of 9 p. m.

Children of dependent parents.

Sec. 3. Children of a widowed mother and the children of a totally disabled father, who are dependent upon their own labor for their support, and orphan children who are dependent upon their own labor for their support, may be permitted to work in textile establishments of this State for the purposes of earning their support: *Provided*, That in the case of a child or children of a widowed mother or of a totally disabled father, the said mother or the said father, and in case of orphan children, the guardian of said children or person standing, in loco parentis of said child or children, shall furnish to any of the persons named in section 4 of this act an affidavit duly sworn to by him or her before some magistrate or clerk of court of the county in which he or she resides, stating that he or she is unable to support the said children, and that the said children are dependent upon their own labor for their support, then, and in that case, the said child or children of the said widowed mother and the said disabled father and said orphan children shall not be affected by the prohibitions of section 1 of this act; and filing of said affidavit shall be full justification for their employment: *Provided, further*, That the officer before whom the said affidavit shall be subscribed shall indorse upon the back thereof his approval and his consent to the employment of said child or children. Any person who shall swear falsely to the facts set forth in said acts shall be guilty of perjury and shall be indictable as provided by law: *Provided, further*, That the employment of said child or children shall be subject to the hours of labor herein limited.

Penalty.

Sec. 4. Any owner, superintendent, manager or overseer of any factory, mine or textile manufacturing establishment, or any other person in charge thereof or connected therewith, who shall knowingly employ any child contrary to the provisions of this act, shall be guilty of a misdemeanor, and for every such offense shall, upon conviction thereof, be fined not less than ten dollars nor more than fifty dollars, or be imprisoned not longer than thirty days, at the discretion of the court.

Same subject.

Sec. 5. Any parent, guardian or other person having under his or her control any child, who consents, suffers or permits the employ-

ment of his or her child or ward under the ages as above provided, or who knowingly or willfully misrepresents the age of such child or ward to any of the persons named in section 4 of this act, in order to obtain employment for such child or ward, shall be deemed guilty of a misdemeanor, and for every such offense shall, upon conviction thereof, be fined not less than ten dollars nor more than fifty dollars, or be imprisoned not longer than thirty days, in the discretion of the court.

Certificates. SEC. 6. Any parent, guardian or person standing in loco parentis, who shall furnish to the persons named in section 4 of this act a certificate that their child or ward has attended school for not less than four months during the current school year and that said child or children can read and write, may be permitted to obtain employment for such child or children in any of the textile establishments of this State during the months of June, July and August, and the employment of such child or children during the said months upon the proper certificate that such child or children have attended school as aforesaid, shall not be in conflict with the provisions of this act.

Proof of age. SEC. 7. In the employment of any child under the age of twelve years in any factory, mine or textile manufacturing establishment, the owner or superintendent of such factory, mine or textile manufacturing establishment shall require of the parent, guardian or person standing in loco parentis of such child, an affidavit giving the age of such child, which affidavit shall be placed on file in the office of the employer; and any person knowingly furnishing a false statement of the age of such child shall be guilty of a misdemeanor, and for every such offense shall, upon conviction, be fined not less than ten dollars nor more than fifty dollars, or be imprisoned not longer than thirty days, in the discretion of the court.

ACTS OF 1907.

ACT NO. 233.—*Hours of labor of employees in cotton and woolen mills.*

Ten hours a day's work. SECTION 1. Ten hours a day, or sixty hours a week, shall constitute the hours for working for all operatives and employees in cotton and woolen manufacturing establishments engaged in the manufacture of yarns, cloth, hosiery and other products for merchandise except mechanics, engineers, firemen, watchmen, teamsters, yard employees and clerical force. All contracts for longer hours of work other than herein provided in said manufacturing establishments shall be, and the same are hereby, declared null and void; and any person entering into or enforcing such contracts shall be deemed guilty of a misdemeanor, in each and every instance, and on conviction in a court of competent jurisdiction shall be fined a sum of money not less than $25 nor more than $100, or imprisonment not exceeding thirty days: *Provided*, That nothing herein contained shall be construed as forbidding or preventing any such manufacturing company from making up lost time, to the extent of sixty hours per annum, where such lost time has been caused by accident or other unavoidable cause.

SOUTH DAKOTA.

CONSTITUTION.

ARTICLE XXI.—*Earnings of married women.*

Earnings separate property. SECTION 5. * * * All property to which [a woman] may after marriage become in any manner rightfully entitled, shall be her separate property, and shall not be liable for the debts of her husband.

REVISED CODES OF 1903.

POLITICAL CODE.

Employment of children in mines.

Age limit. SECTION 145. All corporations or individuals working mines in South Dakota who shall employ, or permit to be employed, in such mines any

children under fourteen years of age shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars.

Employment of minors in barrooms.

SECTION 2844 (as amended by chapter 165, Acts of 1903). * * * it shall also be unlawful for any person to whom any license may be granted to employ any person under twenty-one (21) years of age as a bartender or in any other capacity in connection with the place or room where intoxicating liquors are sold. Employment forbidden.

CIVIL CODE.

Earnings of married women.

SECTION 102. * * * 2. The earnings of the wife are not liable for the debts of the husband. * * * Earnings separate property.

* * * * *

Earnings of minors.

SECTION 124. The wages of a minor employed in service may be paid to him or her until the parent or guardian entitled thereto gives the employer notice that he claims such wages. Payments to minors valid, when.

PENAL CODE.

Hours of labor of women and children.

SECTION 764. Every owner, stockholder, overseer, employer, clerk or foreman of any manufactory, workshop or other place used for mechanical or manufacturing purposes, who, having control, shall compel any woman or any child under eighteen years of age, or permit any child under fourteen years of age, to labor in any day exceeding ten hours, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding one hundred and not less than ten dollars. Limit of ten hours.

ACTS OF 1907.

CHAPTER 135.—*Employment of children—Age limit.*

SECTION 150. No child under the age of fifteen years shall be employed, permitted or suffered to work at any gainful occupation in any mine, hotel, laundry, manufacturing establishment, factory, passenger or freight elevator [,] bowling alley, or in any saloon, theater, concert hall or place of amusement where intoxicating liquors are sold, or as messenger or driver thereof, or in any other manner in work performed for wages or other compensation, to whomsoever payable, during any portion of any month during the hours when the public schools of any district in which he or she resides are in session. Employment during school term.

Every owner, superintendent or overseer of any mine, factory, workshop, mercantile establishment, or any other person who shall employ any child under fifteen years of age contrary to the provisions of this article shall be deemed guilty of a misdemeanor, and for every offense shall upon conviction thereof be fined not less than $10 nor more than $50 and costs.

Any person having the control of a child or who may have children in his employ, who with the intent to evade the provisions of this article shall make a willfully false statement concerning the age of such child or in regard to facts covered by any other provision of this article, shall for such an offense be fined in any sum not less than $10 nor more than $50 for the use of the public school corporation.

TENNESSEE.

ACTS OF 1893.

CHAPTER 159 (as amended by chapter 34, Acts of 1901).—*Employment of children—Age limit.*

Age limit.

SECTION 1. It shall be unlawful for a proprietor, foreman, owner or other person to employ any child less than 14 years of age in any workshop, factory or mine in this State; unless said proprietor, foreman or owner shall know the age of the child, it shall be his or their duty to require the parent or guardian to furnish a sworn statement of its age, and any swearing falsely to such by the parent or guardian shall be perjury and punishable as such.

Penalty.

SEC. 2. Any proprietor, foreman or owner employing a child less than 14 years of age in conflict with the provisions of this act, except where such proprietor, foreman or owner has been furnished with a sworn statement of guardian or parent, that the child is more than 14 years of age, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than $25 and not more than $250.

Enforeement.

SEC. 3. The grand jury shall have inquisitorial powers to investigate violations of this act, and judges of the circuit and criminal courts of the State shall specially charge the grand jury at the beginning of each term of the court to investigate violations of this act.

The employment of a child in violation of this law eonstitutes sueh negligence as makes the employer liable for all injuries sustained by the infant in the course of his employment. 65 S. W. Rep. 399.

[The following annotation is based on an aet of 1881, relating to employment in mines only:]

The employment of a boy under twelve years of age in violation of this statute is negligence, but the defense of eontributory negligence may be set up in an aetion by such boy for injuries sustained by reason of his employment. 32 S. W. Rep. 460.

ACTS OF 1897.

CHAPTER 98.—*Factories and workshops—Provisions for female employees.*

Water-closets.

SECTION 1. All persons hiring or employing female help in any manufacturing or mercantile business or establishment, shall provide separate privies or water-closets for such female help.

Males excluded.

SEC. 2. No male person shall enter such separate privies or water-closets except for the purpose of repairing or cleaning the same.

Penalty.

SEC. 3. A violation of the foregoing sections shall be a misdemeanor punishable by a fine of not less than two or more than ten dollars.

ACTS OF 1905.

CHAPTER 171.—*Seats for female employees.*

Seats to be provided.

SECTION 1. All proprietors or owners of any retail, jobbing, or wholesale dry-goods store, or dealers in notions, millinery, or any other business where any female help are employed for the purpose of serving the public in the capacity of clerks or sales ladies, shall provide a chair or stool for each one of such female help or clerks, in order that during such period as they are not actively engaged in making sales or taking stock or performing other duties of their employment, they may have an opportuntity to be seated and to rest.

Preventing use.

SEC. 2. Any proprietor, owner, or dealer, mentioned in section 1 of this act, who shall undertake by any direction or order to prohibit or prevent any one of such female help or clerks to use the seats provided for in the foregoing section shall be guilty of a misdemeanor, and, upon conviction, shall be fined as provided in the next section of this act.

Penalty.

SEC. 3. Any owner, proprietor, or dealer, mentioned in the foregoing sections, who shall neglect or refuse to obey and observe the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in an amount not less than ten dollars and not exceeding one hundred dollars for the first offense, and in the event said owner or proprietor shall continue to disobey said act he shall be subjected to a fine at the rate of one dollar daily for every chair he fails to furnish his said employees, and for every violation of section 2 of this

act such owner, proprietor, or dealer shall, upon conviction, be fined not less than ten dollars and not exceeding one hundred dollars for each and every violation.

ACTS OF 1907.

CHAPTER 256.—*Hiring out children to support parents in idleness.*

SECTION 1. The following persons are and shall be defined and punished as vagrants—viz: Who are vagrants.

* * * * *

(n) All persons who, though able to work, fail to do so, but hire out their minor children, or allow them to be hired out, and subsist upon their wages.

* * * * *

CHAPTER 308.—*Employment of women and children—Hours of labor.*

SECTION 1. Commencing January 1, 1908, it shall be unlawful for any person, firm, or corporation to employ in any manufacturing establishment in this State any female, or any child under the age of sixteen years, more than sixty-two (62) hours in any one week. Sixty-two hours per week in 1908.

SEC. 2. Commencing January 1, 1909, it shall be unlawful for any person, firm, or corporation to employ in any manufacturing establishment in this State any female, or any child under the age of sixteen years, more than sixty-one (61) hours in any one week. Limit in 1909.

SEC. 3. Commencing January 1, 1910, it shall be unlawful for any person, firm, or corporation to employ in any manufacturing establishment in this State any female, or any child under the age of sixteen years, more than (60) hours in any one week. Limit in 1910.

SEC. 4. Every violation of this act is hereby declared to be a misdemeanor punishable by a fine of not less than twenty-five ($25) dollars and not more than one hundred ($100) dollars for each offense. Violations.

TEXAS.

ACTS OF 1903.

CHAPTER 28.—*Employment of children.*

SECTION 1. Any person or any agent or employee of any person, firm or corporation, who shall hereafter employ any child under the age of twelve years to labor in or about any mill, factory, manufacturing establishment, or other establishment using machinery, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, and not more than two hundred dollars, and each day the provisions of this act are violated shall constitute a separate offense. Age limit.

SEC. 2. Any person, or any agent or employee of any person, firm or corporation, who shall hereafter employ any child between the ages of twelve and fourteen years (who can not read and write simple sentences in the English language) to labor in or about any mill, factory, manufacturing establishment, or other establishment using machinery, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty dollars, nor more than two hundred dollars; and each day the provisions of this act are violated shall constitute a separate offense: *Provided*, That such child who has a widowed mother, or parent incapacitated to support it, may be employed between the hours of 6 a. m. and 6 p. m.: *Provided, further*, That such parent is incapacitated from earning a living, and has no means of support other than the labor of such child; and in no event shall any child between the ages of twelve and fourteen years be permitted to work outside the hours between 6 a. m. and 6 p. m. Illiterates. Night work.

SEC. 3. Any person, or agent or employee of any person, firm or corporation, owning, operating or assisting in operating, any mine, distillery or brewery, who shall employ any child under the age of sixteen years to labor in or about any mine, distillery or brewery, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than fifty, not more than two hundred dollars. Mines, distilleries, etc.

UTAH.

CONSTITUTION.

ARTICLE 16.—*Employment of women and children in mines.*

Employment to be prohibited.

SECTION 3. The legislature shall prohibit:

(1) The employment of women, or of children under the age of fourteen years, in underground mines.

* * * * *

REVISED STATUTES—1898.

Earnings of married women.

Earnings separate property.

SECTION 1201. A wife may receive the wages for her personal labor, and maintain an action therefor in her own name, and hold the same in her own right, * * * as if unmarried. * * *

Employment of women and children.

Employment in mines, etc.

SECTION 1338. It shall be unlawful for any person, firm, or corporation to employ any child under fourteen years of age, or any female, to work in any mine or smelter in the State of Utah. Any person, firm, or corporation who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor.

Seats for females.

SEC. 1339. The proprietor, manager, or person having charge of any store, shop, hotel, restaurant, or other place where women or girls are employed as clerks or help therein, shall provide chairs, stools, or other contrivances where such clerks or help may rest when not employed in the discharge of their respective duties. Any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor.

Earnings of minors.

Payments to minors valid, when.

SECTION 1544. When a contract for the personal services of a minor has been made with him alone, and those services are afterward performed, payment made therefor to such minor in accordance with the terms of the contract, is a full satisfaction for those services, and the parent or guardian can not recover therefor a second time.

Exemption of wages of minors from execution, etc.

Minors' earnings exempt.

SECTION 3243. The earnings of any minor child of any debtor within this State and the proceeds thereof are exempt from execution against such debtor by reason of any debts or liability of such debtor, not contracted for the special benefit of such minor child.

VERMONT.

STATUTES OF 1894.

Employment of children.

School attendance required.

SECTION 711 (as amended by act No. 19, Acts of 1896, and act No. 39, Acts of 1904). A person having the control of a child between the ages of eight and fifteen years, shall cause such child to attend a public school at least twenty-eight weeks in a year, and such attendance shall be continuous, beginning with the school year, unless the child is mentally or physically unable to attend, has already acquired the branches required by law to be taught in the public school, or is otherwise being furnished with the same education. If a child is a pupil of a school held for more than twenty-eight weeks in a year, he shall attend such school during the time it is to be held in excess of twenty-eight

weeks unless he is mentally or physically unable to attend or is excused in writing by the school directors from attendance during the whole or a part of such time. A child under eight years, or a youth of over fifteen years of age, who shall begin attendance and be enrolled as a pupil in a public, elementary or high school, or a school in which his tuition is paid at public expense, shall attend such school during the term for which he is enrolled unless he is mentally or physically unable to attend or is excused in writing by the school directors from attendance during the whole or part of said term.

Children under 16.

SEC. 712 (as amended by act No. 52, Acts of 1906). A child under sixteen years of age, who has not completed the elementary course of study of nine years prepared for the public schools by the superintendent of education, shall not unless excused in writing by the town superintendent of schools be employed in work connected with railroading, mining, manufacturing, or quarrying, or be employed in delivering messages by any corporation or company, except during vacation and before and after school, unless said child deposits with his employer in work herein specified a certificate from the town superintendent of schools to the effect that he is eligible to employment in accordance with the provisions of this chapter, and no child under sixteen years of age shall be employed after eight o'clock at night in any of the occupations or industries herein enumerated. In case said child has been in attendance upon a private or parochial school, the superintendent of schools is hereby empowered to examine said child for the purpose of determining his eligibility to employment in accordance with this section.

Certificates.

Night work.

Enforcement.

SEC. 715 (as amended by act No. 52, Acts of 1906). A town superintendent may inquire of the owner or superintendent of a mill, factory, quarry, workshop, or railroad office, shop, or yards, as to the employment of children therein, may call for the production of the certificates deposited with such owner or superintendent, and satisfy himself that the requirements of law have been complied with.

Earnings of married women.

Earnings separate property.

SECTION 2647. All personal property and rights of action acquired by a woman before coverture, or during coverture, except by gift from her husband, shall be held to her sole and separate use, * * *

ACTS OF 1904.

ACT No. 115.—*Employment of women and children in barrooms.*

Employment prohibited.

SECTION 23. Licenses shall be subject to the following conditions and prohibitions.

* * * * *

That no female person nor any person under the age of twenty-one years, shall be employed in the barroom in which a license is operated.

ACT No. 155.—*Employment of children.*

Age limit.

SECTION 1 (as amended by act No. 52, Acts of 1906). No child under the age of twelve years shall be employed by or permitted to work for any railroad company, or in any mill, factory, quarry, or workshop, or in delivering messages for a corporation or company.

Penalty.

SEC. 3. Any person who shall employ or suffer to be employed in any mill, factory or workshop of which he is the owner, or owner in part, or of which he is the superintendent or manager, any child in violation of the provisions of this act [includes section 712, Statutes of 1894, as amended], and a parent or guardian who allows or consents to such employment, shall be fined fifty dollars.

Enforcement.

SEC. 4. County courts, municipal courts and justices of the peace shall have concurrent jurisdiction of offenses under this act and truant officers and all informing officers are authorized to make complaint for violation of this act.

VIRGINIA.

CODE—1904.

Employment of children while parents live in idleness.

Who are vagrants.

SECTION 884. The following persons shall be deemed vagrants:

* * * * *

All persons who are able to work and who do not work, but hire out their minor children and live upon their wages.

Earnings of married women.

Earnings separate property.

SECTION 2286a. A married woman shall have the right to acquire, hold, use, control, and dispose of property, as if she were unmarried, and such power of use, control, and disposition shall apply to all property of a married woman heretofore or hereafter acquired: *Provided, however,* That her husband shall be entitled to curtesy in her real estate when the common law requisites therefor exist, and he shall not be deprived thereof by her sole act; * * *

Earnings of minors.

Minors' earnings exempt.

SECTION 3652c. The wages of a minor shall not be liable to garnishment or otherwise liable to the payment of the debts of parents.

Seats for female employees.

Seats to be provided.

SECTION 3657a. All persons who employ females in shops, stores, offices, or manufactories as clerks, operatives, or helpers in any business, trade, or occupation carried on or operated by them in the State of Virginia shall be required to procure and provide proper and suitable seats for all such females, and shall permit the use of such seats, rests, or stools as may be necessary, and shall not make any rules, regulations, or orders preventing the use of such stools or seats when any such female employees are not actively employed in their work in such business or employment. If any employer of female help in the State of Virginia shall neglect or refuse to provide seats as provided in this act or shall make any rules, orders, or regulations in his shop, store, or other place of business requiring females to remain standing when not necessarily employed in service or labor therein he shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of competent jurisdiction shall be liable to a fine therefor in a sum not to exceed twenty-five dollars with costs in the discretion of the court.

Employment of women and children.

Hours of labor.

SECTION 3657b. No female and no child under fourteen years of age shall work as an operative in any factory or in any factory or manufacturing establishment in this State more than ten hours in any one day of twenty-four hours. All contracts made or to be made for the employment of any female or of any child under fourteen years of age as an operative in any factory or manufacturing establishment to work more than ten hours in any one day of twenty-four hours, are and shall be void. Any person having the authority to contract for the employment of persons as operatives in any factory or manufacturing establishment who shall engage or contract with any female or any child under fourteen years of age to work as an operative in such factory or manufacturing establishment during more than ten hours in any one day of twenty-four hours shall be guilty of a misdemeanor, and be fined not less than five nor more than twenty dollars.

Night work.

SEC. 3657bb. No child under the age of fourteen years and over twelve years of age shall be employed in any manufacturing, mechanical, or mining operations in this Commonwealth to work between the hours of six o'clock postmeridian and seven o'clock

antemeridian; and no child under the age of twelve years shall be employed in any manufacturing, mechanical, or mining operation in this Commonwealth; and any owner, agent, superintendent, overseer, foreman, or manager of any manufacturing, mechanical, or mining operation who shall knowingly employ, or permit to be employed, in the operation of which he is owner, agent, superintendent, overseer, foreman, or manager any child contrary to the provisions of this act, and any parent or guardian who allows or consents to such employment of his child or ward, shall, upon conviction of such offense, be fined not less than twenty-five dollars nor more than one hundred dollars. Age limit.

Certain employments of children forbidden.

SECTION 3795a. * * * (2) It shall be unlawful for any person having the care, custody, or control of any child under the age of fourteen years to sell, apprentice, give away, let, or hire out, or otherwise dispose of such child to any person in or for the vocation or occupation, service, or purpose of rope or wire walking, begging or peddling, or as a gymnast, contortionist, rider, or acrobat in any place whatsoever, or for any obscene, indecent, or immoral purpose, exhibition, or practice whatsoever, or for or in any business, exhibition, or vocation injurious to the health or morals or dangerous to the life or limb of such child, or cause, procure, encourage, or permit any such child to engage therein. Acrobatic, mendicant, etc., occupations.

(3) It shall also be unlawful for any person to take, receive, hire, employ, use, exhibit, or have in custody any child under the age aforesaid for any of the purposes prohibited in the second section of this act.

(6) Whenever any person or persons having the care or custody of any child within the age previously mentioned in this act shall engage, hire out, or use such child in or for any business, exhibition, vocation, or purpose prohibited in this act, or shall permit the use of such child therefor, and shall be convicted of the same, the court or magistrate before whom such conviction is had may at his discretion if he should think it desirable for the welfare of such child deprive the person or persons so convicted of the custody of such child, and thereafter such child shall be deemed in the custody of the court, and thereupon such proceedings shall be had as to the commitment, custody, care, and education of such child as are provided for in section five of this act [for vagrant or destitute children].

(7) A person convicted under any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished by a fine not exceeding two hundred dollars or by imprisonment in jail not exceeding twelve months or both.

(8) In this act the word "person" shall be construed to include corporations, partnerships, companies, and associations, as well as individuals.

WASHINGTON.

CODES AND STATUTES OF 1897.

Employment of women and children in mines.

SECTION 3172. No boy under the age of fourteen years, and no female of any age, shall be employed or permitted to be in any mine for the purpose of employment therein, nor shall a boy under the age of twelve years be employed or permitted to be in or about the outside structures or workings of a colliery for the purpose of employment: *Provided, however,* That this prohibition shall not affect the employment of a boy of suitable age in an office or in the performance of clerical work at a colliery. When an employer is in doubt as to the age of any boy applying for employment in or about a mine or colliery, he shall demand and receive proof of the age of such boy by certificate from the parents or guardian of such boy before he shall be employed. Employment prohibited.

Sex no disqualification for employment.

Sex not a bar. SECTION 3322. * * * Every avenue of employment shall be open to women; and any business, vocation, profession, and calling followed and pursued by men may be followed and pursued by women, and no person shall be disqualified from engaging in or pursuing any business, vocation, profession, calling, or employment on account of sex: *Provided*, That this section shall not be construed so as to permit women to hold public office.

Earnings of married women.

Earnings separate property. SECTION 4493. A wife may receive the wages of her personal labor, and maintain an action therefor in her own name, and hold the same in her own right, and she may prosecute and defend all actions at law for the preservation and protection of her rights and property as if unmarried.

Earnings of minors.

Payments to minors valid, when. SECTION 4583. When a contract for the personal services of a minor has been made with him alone, and those services are afterwards performed, payment made therefor to such minor in accordance with the terms of the contract is a full satisfaction for those services, and the parents or guardian can not recover therefor.

Employment of women in saloons.

Employment prohibited. SECTION 7258. No female person shall be employed in any capacity in any saloon, beer hall, barroom, theater, or place of amusement, where intoxicating liquors are sold as a beverage, and any person or corporation convicted of so employing, or of participating in so employing, any such female person shall be fined not less than five hundred dollars; and any person so convicted may be imprisoned in the county jail for a period of not less than six months.

Seats for female employees.

Seats to be provided. SECTION 7287. It shall be the duty of every agent, proprietor, superintendent, or employer of female help in stores, offices, or schools within the State of Washington, to provide for each and every such employee a chair, stool, or seat, upon which such female worker or workers shall be allowed to rest when their duties will permit, or when such rest shall or does not interfere with a faithful discharge of their incumbent duties. A violation of any of the provisions of this section shall be deemed a misdemeanor, and upon conviction thereof by any court of competent jurisdiction shall subject the person offending to a fine of not less than ten dollars nor more than fifty dollars.

ACTS OF 1901.

CHAPTER 68.—*Employment of women.*

Limit of ten hours. SECTION 1. No female shall be employed in any mechanical or mercantile establishment, laundry, hotel or restaurant in this State more than ten hours during any day. The hours of work may be so arranged as to permit the employment of females at any time so that they shall not work more than ten hours during the twenty-four.

This provision is constitutional. 70 Pac. Rep. 52.

Seats to be provided. SEC. 2. Every employer in establishments where females are employed shall provide suitable seats for them and shall permit the use of such seats by them when they are not engaged in the active duties for which they are employed.

SEC. 3. Any employer, overseer, superintendent, or other agent of any such employer who shall violate any of the provisions of this act, shall, upon conviction thereof be fined for each offense in a sum not less than ten dollars nor more than twenty-five dollars. Penalty.

ACTS OF 1903.

CHAPTER 135.—*Night work of children in bakeries.*

SECTION 9. No employer shall require, permit or suffer any person under sixteen years of age to work in his bake shop between the hours of eight o'clock in the evening and five o'clock in the morning. Night work forbidden.

SEC. 10. Any person who violates the provisions of this act * * * shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be fined not less than twenty-five nor more than fifty dollars or imprisoned not more than ten days for the first offense; and shall be fined not less than fifty nor more than one hundred dollars and imprisoned not less than ten nor more than thirty days for each offense after the first. Penalty.

ACTS OF 1905.

CHAPTER 162.—*Employment of children.*

SECTION 1. All parents, guardians and other persons in this State having or who may hereafter have immediate custody of any child from eight to fifteen years of age shall cause such child to attend the public schools of the district in which the child resides for the full time in which such school may be in session, or private school for the same time, unless the child is physically or mentally unable to attend, has already attained a reasonable proficiency in the branches required by law to be taught in the first eight grades of public schools in this State or provided by the course of study of the said school, is otherwise being furnished with the same education, or has been excused from such attendance for some other sufficient reason by the superintendent of the schools of the district in which the child resides, if there be such a superintendent, or, in all other cases, by the county superintendent of common schools. School attendance required.

SEC. 2. No child under the age of fifteen years shall be employed in any manufacturing, mechanical or other mercantile establishment, or by any telegraph or telephone company, or by any other corporation in this State during the time in which the public schools of the district in which such child resides are in session, unless the said child shall present a certificate from a school superintendent, as provided for in section one of this act, excusing the said child from attendance in the public schools and setting forth the reason for such excuse, the residence and age of the child, and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, corporation or company employing any such child shall keep such certificate on file so long as such child is employed by him or her. The form of said certificate shall be furnished by the superintendent of public instruction. Employment during school time. Certificates.

SEC. 3. Any person violating the provisions of the two preceding sections shall be fined not more than twenty-five dollars. Attendance officers shall make complaint for violations of the provisions of this act to a justice of the peace or to the judge of the superior court. Penalty.

SEC. 4. * * * The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by this act, and shall have authority to enter all stores, mills, shops or other places in which children may be employed, for the purpose of making such investigations as may be necessary to the enforcement of this act. * * * Enforcement.

ACTS OF 1907.

CHAPTER 128.—*Employment of children—Age limit.*

Messenger service.

SECTION 1. No person under the age of nineteen years shall be employed as a public messenger by any person, telegraph company, telephone company, or messenger company in any city of the first class in this State, nor shall any child of either sex under the age of fourteen years be hired out to labor in any factory, mill, workshop, or store at any time: *Provided*, That any superior court judge may issue a permit for the employment of any child between the ages of twelve and fourteen years at any occupation, not in his judgment, dangerous or injurious to the health or morals of such child, upon evidence satisfactory to him, that the labor of such child is necessary for its support or for the assistance of any parent: *And, provided, further*, That the judge of the juvenile court may issue permits for the employment of any male child over fourteen years of age, as messenger by telegraph, telephone and messenger companies subject to such limitations and conditions as may be imposed by said court. All permits herein provided for shall be issued for a definite time and shall be revocable at the discretion of the judge by whom issued.

Factory, etc., labor.

Violations.

SEC. 2. Any employer, or any overseer, superintendent, or agent of such person, telegraph company, telephone company or messenger company who shall violate any of the provisions of this act shall, upon conviction thereof, be fined for each offense not less than ten dollars nor more than five hundred dollars, or be imprisoned in the county jail not to exceed six months, or by both such fine and imprisonment.

CHAPTER 231.—*Employment of children—School attendance.*

School attendance required.

SECTION 1. All parents, guardians and other persons in this State having or who may hereafter have immediate custody of any child between eight and fifteen years of age shall cause such child to attend the public schools of the district in which the child resides for the full time which such school may be in session, or shall attend a private school for the same time, unless the child is physically or mentally unable to attend school, has already attained a reasonable proficiency in the branches required by law to be taught in the first eight grades of public schools of this State as provided by the course of study of the said school, is otherwise being furnished with the same education, or has been excused from such attendance for some other sufficient reason, by the superintendent of the schools of the district in which the child resides, if there be such a superintendent, and, in all other cases, by the county superintendent of common schools. Proof of absence from public school or approved private school shall be prima facie evidence of a violation of this section.

Employment.

SEC. 2. No child under the age of fifteen years shall be employed for any person by any corporation, person or association of persons in this State during the hours which the public schools of the district in which such child resides are in session, unless the said child shall present a certificate from a school superintendent, as provided for in section one of this act, excusing the said child from attendance in the public schools and setting forth the reason for such excuse, the residence and age of the child, and the time for which such excuse is given. Every owner, superintendent, or overseer of any establishment, corporation, company or person employing any such child shall keep such certificate on file so long as such child is employed by him, her or it. The form of said certificate shall be furnished by the Superintendent of Public Instruction. Proof that any child under fifteen years of age is employed during any part of the period in which public schools of the district are in session, shall be deemed prima facie evidence of a violation of this section.

Certificates.

Violations.

SEC. 3. Any person violating any of the provisions of either of the two preceding sections shall be fined not more than twenty-five dollars. Attendance officers shall make complaint for violation of the provisions of this act, to a justice of the peace or to a judge of the superior court.

WEST VIRGINIA.

CODE—EDITION OF 1899.

CHAPTER 66.—*Earnings of married women.*

SECTION 12. The earnings of a married woman, or any and all property, real and personal, purchased by her with the proceeds of such earnings, shall in all cases be her sole and separate property, and shall not be subject to the control or disposal of her husband nor liable for his debts. And the separate personal property of every married woman shall be liable to the payment of her debts contracted during the coverture, as well after the coverture is terminated as during its continuance. Earnings separate property.

APPENDIX.

Employment of women and children in mines.

(Page 1053.)

SECTION 13. No boy under twelve years of age, nor female person of any age, shall be permitted to work in any coal mine, and in all cases of doubt, the parents or guardians of such boys shall furnish affidavits of their ages. Employment prohibited.

SEC. 17. The operator or agent of any coal mine, who shall willfully neglect or refuse to perform the duties required of him by any section of this act, or who shall violate any of the provisions hereof, and any person who shall neglect or refuse to perform the duties required of him by sections * * * thirteen * * * or who shall violate any of the provisions thereof, * * * shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than fifty dollars nor more than five hundred dollars; in default of payment of such fine and costs for the space of ten days, the defendant may in the discretion of the court, be imprisoned in the county jail for a period not exceeding three months. Penalty.

SEC. 18. The provisions of this act shall apply only to coal mines in which ten or more persons are employed in a period of twenty-four hours. Application of law.

Employment of children.

(Act, page 1055, as amended by chapter 75, Acts of 1905.)

SECTION 1. No minor, male or female, under the age of twelve years shall be employed for wages or otherwise in any mine, factory, workshop, mercantile or manufacturing establishment where goods or wares are made or sold, and no such minor under the age of fourteen years shall be employed during the free school term of the district in which such child resides: *Provided, however*, That this section shall not be construed to apply if such employment will not interfere with the regular attendance at the school of such minor. And in all cases of minors applying for work it shall be the duty of the manager, superintendent, foreman or operator, to see that the provisions of this section are complied with. Age limit. Employment during school time.

SEC. 2. Any manager, superintendent, foreman or operator in any mine, factory, workshop, mercantile or manufacturing establishment, and parents and guardians, allowing any child to work in violation of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than twenty dollars for each and every offense. Penalty.

SEC. 3. It shall be the duty of the prosecuting attorney to enforce the provisions of this act, and to prosecute the violations of the same before any magistrate or court of competent jurisdiction in this State, and it shall be the duty of the commissioner of labor to report all violations of this act to the prosecuting atttorney. Enforcement.

ACTS OF 1901.

CHAPTER 14.—*Certain employments of children forbidden.*

Acrobatic, immoral, etc., occupations.

SECTION 2. Any person having the care, custody, or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away, or otherwise dispose of such child, or any person who shall take, receive or employ such child for the vocation or occupation of rope or wire walking or as an acrobat, gymnast, contortionist or rider, and any person who, having the care, custody, or control of any minor child whatsoever, shall sell, apprentice, give away or otherwise dispose of such child, or who shall take, receive or employ such child for any obscene, indecent or illegal exhibition or vocation, or any vocation injurious to the health, or dangerous to the life or limb, of such child engaged therein, or for the purpose of prostitution, and any person who shall retain, harbor, or employ any minor child in or about any assignation house or brothel, or any place where any obscene, indecent or illegal, exhibition takes place, shall be guilty of a misdemeanor, and shall be fined not less than five dollars, nor more than one hundred dollars, for each offense.

Mendicant occupations.

SEC. 3. Any person having the care, custody, or control, lawful or unlawful, of any minor child under the age of eighteen years, who shall use such minor, or apprentice, give away, let out, hire or otherwise dispose of, such minor child to any person, for the purpose of singing, playing on musical instruments, begging or for any mendicant business whatsoever in the streets, roads, or other highways of this State, and whosoever shall take, receive, hire, employ, use or have in custody, any minor for the vocation, occupation, calling, service or purpose of singing, playing upon musical instruments or begging upon the streets, roads or other highways of this State, or for any mendicant business whatever shall be guilty of a misdemeanor and shall be fined not less than five dollars nor more than one hundred dollars.

Employment in saloons, etc.

SEC. 4. Any person having the care, custody, or control of any minor child under the age of fifteen years, who shall in any manner sell, apprentice, give away or permit such child to sing, dance, act, or in any manner exhibit it in any dance house, concert saloon, theater or place of entertainment where wines or spirituous or malt liquors are sold or given away, or with which any place for the sale of wines or spirituous or malt liquors is directly or indirectly connected by any passageway or entrance, and any proprietor of any dance house whatever, or any such concert saloon, theater, or place of entertainment, so employing any such child, shall be guilty of a misdemeanor, and shall be fined not less than five dollars nor more than one hundred dollars for each offense.

CHAPTER 19.—*Employment of women in factories.*

Safety appliances.

SECTION 1. In all manufacturing, mechanical and other establishments, in this State, where the machinery, belting, shafting, gearing, drums and elevators, are so arranged and placed as to be dangerous to persons employed therein, while engaged in their ordinary duties, shall be safely and securely guarded when possible, and if not possible, the notices of the danger shall be conspicuously posted in such establishments, and no minor or female of any age shall be permitted to clean any of the mill gearing or machinery in such establishments while the same is in motion.

Cleaning moving machinery.

Toilet rooms.

SEC. 3. In every factory, workshop or establishment, in this State, where females are employed, where unclean work of any kind has to be performed, suitable places shall be provided for such females to wash and to change clothing, and stairs in use by females shall, in all such establishments, be properly screened, and separate water-closets shall be provided for the use of employees of either sex, in all manufacturing, mechanical, mercantile and other establishments in this State where persons of both sexes are employed.

Seats.

SEC. 4. In every manufacturing, mechanical, mercantile and other establishments, in this State, wherein females are employed, there shall be provided, and conveniently located, seats sufficient to com-

fortably seat such females; and during such times as such females are not necessarily required by their duties to be upon their feet, they shall be allowed to occupy the seats provided.

Sanitation.

SEC. 5. And all establishments, to which this act applies, must be kept in a clean condition; the sanitary and hygienic regulations shall be such as will not endanger or be injurious to the lives or health of the employees employed therein.

Penalty.

SEC. 6. Any person or persons, firm or corporation of any manufacturing, mechanical, mercantile or other establishments, business or calling, in this State, to which this act applies, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, in any court of competent jurisdiction in this State, shall be fined not less than twenty dollars nor more than one hundred dollars, and in default of payment of such fine shall be imprisoned until such fine and costs are fully paid.

Enforcement.

SEC. 7. It shall be the duty of the commissioner of labor or his assistant to enforce the provisions of this act, and to prosecute all violations of the same before any magistrate or court of competent jurisdiction in this State.

WISCONSIN.

ANNOTATED STATUTES OF 1898.

Unlawful employment of children.

Enforcement of laws.

SECTION 439ca. Any truant officer within this State shall have power to visit factories, workshops, mercantile establishments and other places of employment in their respective localities and ascertain whether any minors are employed therein contrary to law. They may require that the age and school certificates and lists of minors who are employed in such factories, workshops, mercantile establishments and other places of employment, shall be produced for their inspection, and they shall report all cases of such illegal employment to the school authorities of their respective cities, towns, villages or districts and to the commissioner of labor, State factory inspector or any assistant factory inspector. Such truant officer shall receive no compensation from the State for performing such services.

Employment of women—Inspection of factories, etc.

Water-closets, etc.

SECTION 1636–31. Every factory, mill, or workshop, mercantile or mechanical establishment or other building where eight or more persons are employed, shall be provided within reasonable access, with a sufficient number of water-closets, earth closets, or privies for the reasonable use of the persons employed therein, and whenever male and female persons are employed as aforesaid together, water-closets, earth closets or privies separate and apart, shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use such closet or privy assigned to the other sex. Such closet shall be properly inclosed and ventilated and at all times kept in a clean and good sanitary condition. When the number employed is more than twenty of either sex, there shall be provided an additional closet for such sex up to the number of forty, and above that number in the same ratio. The commissioner of labor or any factory inspector may require such changes in the placing of such closets as he may deem necessary and may require other changes which may serve the best interest of morals and sanitation.

Dressing rooms.

SEC. 1636–32. In factories, mills or workshops, mercantile or mechanical establishments or other places where the labor performed by the operator is of such a character that it becomes desirable or necessary to change the clothing, wholly or in part, before leaving the building at the close of the day's work, separate dressing rooms shall be provided for females whenever so required by the commissioner of labor or any factory inspector. It shall be the duty of every occupant, whether owner or lessee of any such premises used as specified by this act, to

make all the changes and additions thereto. In case such changes are made upon the order of the commissioner of labor, or any factory inspector to the lessee of the premises, the lessee may at any time within thirty days after the completion thereof, bring an action against any person or corporation or partnerships having interest in such premises, and may recover such proportion of expenses of making such changes and additions as the court adjudges should justly and equitably be borne by such defendant.

Penalty. SEC. 1636–35. Any owner, lessee or any person or corporation having charge of any of the aforesaid buildings or places, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten (10) dollars and not exceeding one hundred (100) dollars.

Employment of women and children in cigar factories.

Hours of labor of minors. SECTION 1636–106. No person under eighteen years of age shall be employed or permitted to work in a cigar shop or a cigar factory at manufacturing cigars for longer than eight hours a day or forty-eight hours a week.

Dressing rooms, etc. SEC. 1636–107. Where men and women are employed there shall be separate dressing rooms and water-closets for the different sexes.

Penalty. SEC. 1636–108. Any person violating any provision of this act shall be punished by fine not exceeding twenty-five dollars and no less than ten dollars for the first offense, and by fine not exceeding fifty dollars, and no less than twenty-five dollars for the second and each following offense.

Employment of women and children.

Limit of day's work. SECTION 1728. In all manufactories, workshops or other places used for mechanical or manufacturing purposes the time of labor of children under the age of eighteen years and of women employed therein shall not exceed eight hours in one day; and any employer, stockholder, director, officer, overseer, clerk or foreman who shall compel any woman or any such child to labor exceeding eight hours in any one day, or who shall permit any child under fourteen years of age to labor more than ten hours in any one day in any such place, if he shall have control over such child sufficient to prevent it, or who shall employ at manual labor any child under twelve years of age in any factory or workshop where more than three persons are employed, or who shall employ any child of twelve and under fourteen years of age in any such factory or workshop for more than seven months in any one year shall be punished by fine not less than five nor more than fifty dollars for each such offense.

Age limit.

[See section 1728a, below.]

The mere employment of a child under the prescribed age, and his presence in a factory, do not constitute actionable negligence on the part of the employer. 93 Wis. 448.

Employment of children—Paid musicians.

Permits for children under 14. SECTION 1728a–1 (as amended by chapter 418, Acts of 1907). No child under fourteen years of age shall be employed, required, suffered or permitted to play on any musical instrument in a circus, theatrical exhibition or in any public place for pay except upon the special permission of the commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge or from the judge of a juvenile court where the child resides, unless such child is a professional performer connected with a traveling theatrical company and in charge of a parent or guardian. But the provisions of this section shall not prevent the education of children in instrumental music, or their employment as musicians in a church, chapel, school or school exhibition or prevent their taking part in any festival, concert or musical exhibition.

Violations. SEC. 1728a–2 (as amended by chapter 418, Acts of 1907). Any person, partnership or corporation, agent or manager of any corporation who, whether for himself or for such firm or corporation or by himself

or through agents, servants, or foremen, shall violate or fail to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten dollars nor more than one hundred dollars for each offense.

Employment of children—General provisions.

Age certificates.

SECTION 1728a (as amended by chapter 523, Acts of 1907). 1. No child between the ages of fourteen and sixteen years shall be employed at any time in any factory or workshop, bowling alley, or in or about any mine, store, hotel, mercantile establishment, laundry, telegraph, telephone or public messenger service unless there is first obtained from the commissioner of labor, State factory inspector, any assistant factory inspector, or from the judge of the county court or municipal court or from the judge of a juvenile court where such child resides, a written permit authorizing the employment of such child within such time or times as the said commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge, judge of a juvenile court or register of probate may fix, providing that no officer herein mentioned shall have power to delegate the duty of granting permits to any subordinate officer or other person: *And provided further* That such permit shall not be granted to any child who is unable to read and write simple sentences in the English language or the language of his native country.

Employment of children under 16.

2. No child under the age of sixteen years shall be employed in adjusting any belt or in oiling or assisting in oiling, wiping or cleaning any machinery when the same is in motion or in operating or assisting in operating any circular or band saw, wood-shaper, wood-jointer, planer, sandpaper, or wood-polishing machine, picker machine or machines used in picking wool, cotton, hair or any upholstering material, paper-lacing machine, leather-burnishing machine, dough-brakes or cracker machinery of any description, laundry machinery, emery or polishing wheel for polishing metal or wood turning machine or stamping machine in sheet metal and tinware manufacturing, stamping machine in washer and nut factories, stamping machine in lace paper and leather manufacturing, corrugating rolls in roofing factories, burnishing machines in any tannery or leather manufactory, wire or iron straightening machinery, rolling mill machinery, punchers or shears or washing, grinding or mixing mill or calendar [calender] rolls in rubber manufacturing, nor shall any such child be employed at or assist in sewing belts in any capacity, or in the manufacture of paints, colors or white lead, or in the manufacture of any composition in which dangerous or poisonous acids are used, or in the manufacture of any goods for immoral purposes nor in any tobacco warehouse, cigar or other factory where tobacco is manufactured or prepared or in any place where intoxicating liquors are made, given away or sold, or in any theater or concert hall, or in operating any passenger or freight elevator, steam boiler or steam generating apparatus, or in any other employment dangerous to life or limb, injurious to the health or depraving of the morals of such child; nor shall any female child under sixteen years of age be employed in any capacity where such employment compels her to remain standing constantly.

Under 14.

3. No child under the age of fourteen years shall be employed in any factory, workshop, bowling alley or in or about any mine.

Vacations.

4. No child under the age of fourteen years shall be employed, required or suffered to work for wages at any gainful occupation at any time except that during the vacation of the public or other school in the town, district or city where any child between the ages of twelve and fourteen years resides, it may be employed in any store, office, hotel, mercantile establishment, telegraph, telephone or public messenger service in the town, district or city where it resides and not elsewhere: *Provided* That there is first obtained from the commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge or from the judge of a juvenile court or register of probate where such child resides a written permit authorizing the employment of such child within such time or times as the

said commissioner of labor, State factory inspector, assistant factory inspector, county judge, municipal judge, judge of a juvenile court or register of probate may fix; but no such child shall be prohibited by this act from being employed at farming or other outdoor occupation not dangerous to life or limb.

Records. 5. The said commissioner of labor, State factory inspector, any assistant factor [factory] inspector, county judge, municipal judge, judge of a juvenile court or register of probate shall keep a record, stating the name, date and place of birth and place of school attended by any such child, and the county judge, municipal judge or such judge of a juvenile court or register of probate shall report when so requested by the commissioner of labor or State factory inspector, the number of permits issued by him from time to time as hereinbefore provided.

Proof. 6. When the commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge, judge of a juvenile court, or register of probate, has reason to doubt the age of any child who applies for such permit, the commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge, judge of a juvenile court or register of probate shall demand proof of such child's age, by the production of a verified baptismal certificate or a duly attested birth certificate, or in case such certificates can not be secured, by the record of age stated in the first school of enrollment of such child, and if such proof does not exist or can not be secured then by the production of such other proof as may be satisfactory to said commissioner of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge, judge of a juvenile court, or register of probate and no permit shall be issued unless proof of such child's age is filed with the said commissioner of labor, State factory inspector, county judge, municipal judge, judge of a juvenile court or register of probate. Whenever it appears that a permit has been obtained by a wrong or false statement as to any child's age, the commissioner, State factory inspector, any assistant factory inspector, county judge, municipal judge, judge of a juvenile court or register of probate of the county where such child resides shall revoke such permit.

Register. SEC. 1728b (as amended by chapter 523, Acts of 1907). 1. It shall be the duty of every person, firm or corporation, agent or manager of any firm or corporation employing minors in any mine, factory or workshop, bowling alley, store, office, hotel, mercantile establishment, laundry, telegraph, telephone or public messenger service within this State to keep a register in the place where such minor is employed and subject at all times to the inspection of any factory inspector, or assistant factory inspector, in which register shall be recorded the name, age, date of birth and place of residence, of every child employed, permitted or suffered to work therein, under the age of sixteen years.

Files. 2. It shall be unlawful for any person, firm or corporation, agent or manager of any firm or corporation to hire or employ, permit or suffer to work in any mine, mercantile establishment, factory or workshop, bowling alley, store, office, hotel, laundry, telegraph, telephone or public messenger service, any child under sixteen years of age unless there is first provided and placed on file in such mine, mercantile establishment, factory or workshop, bowling alley, store, office, hotel, laundry, telegraph, telephone or public messenger, a permit granted by either the commissioners of labor, State factory inspector, any assistant factory inspector, county judge, municipal judge, judge of a juvenile court or register of probate of the county where such child resides.

Hours of labor SEC. 1728c (as amended by chapter 523, Acts of 1907). No child under the age of sixteen years shall be employed, required, permitted or suffered to work for wages at any gainful occupation longer than fifty-five hours in any one week nor more than ten hours in any one day, nor more than six days in one week, nor after the hour of six at night nor before the hour of seven in the morning, except in cases where it is necessary to save perishable goods from serious damage: *Provided*, That this section shall not apply to children carrying newspapers between the hours of four and six in the morning and four and eight in the afternoon and who comply with all the legal requirements concerning school attendance: *And provided further* That this section

Night work.

shall not apply to children between the ages of fourteen and sixteen working in any store, between the hours of seven in the morning and nine in the afternoon, but no such child shall be employed in any store for a longer period than ten hours in any one day, nor more than six days in any one week, or a total of fifty-five hours during each week.

Enforcement.

SEC. 1728d (as amended by chapter 523, Acts of 1907). It shall be the duty of the commissioner of labor, the factory or assistant factory inspectors to enforce the provisions of this act, and to prosecute violations of the same before any court of competent jurisdiction in this State. It shall be the duty of the said commissioners of labor, or the factory or assistant factory inspectors, and they are hereby authorized and empowered to visit and inspect, at all reasonable times, and as often as possible, all places covered by this act.

Certificates refused, when.

SEC. 1728e (as amended by chapter 523, Acts of 1907). The commissioner of labor, the factory or assistant factory inspectors, may refuse to grant permits in the case of children who may seem physically unable to perform the labor at which they may be employed.

Elevators.

SEC. 1728f (as amended by chapter 523, Acts of 1907). No person, firm or corporation shall employ or permit any child under sixteen years of age to have the care, custody, management or operation of any elevator.

Definitions.

SEC. 1728g (as amended by chapter 523, Acts of 1907). The words "manufacturing establishment," "factory" or "workshop," as used in this act, shall be construed to mean any place where goods or products are manufactured or repaired, dyed, cleaned or assorted, stored or packed, in whole or in part, for sale or for wages, and not for the personal use of the maker for his or her family or employer.

Violations.

SEC. 1728h (as amended by chapter 523, Acts of 1907). Any person, firm or corporation, agent or manager of any corporation who, whether for himself or for such firm or corporation or by himself or through agents, servants, or foreman, shall violate or fail to comply with any of the provisions of this act, or shall hinder or delay the commissioner of labor, the factory or assistant factory inspectors, or any or either of them in the performance of their duty, or refuse to admit or shut or lock them out from any place required to be inspected by this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense, or by imprisonment in the county jail not longer than thirty days.

Corporations.

2. Any corporation which, by its agents, officers or servants, shall violate or fail to comply with any of the above provisions of this act shall be liable to the above penalties, which may be recovered against such corporations in action for debt or assumpsit brought before any court of competent jurisdiction.

Parents.

SEC. 1728i (as amended by chapter 523, Acts of 1907). Any parent or guardian, who suffers or permits a child to be employed, or suffered or permitted to work, in violation of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five nor more than twenty-five dollars, or by imprisonment in the county jail not longer than thirty days.

Evidence.

SEC. 1728j (as amended by chapter 523, Acts of 1907). When in any proceeding in any court under this section there is any doubt as to the age of any child, a verified baptismal certificate or a duly attested birth certificate shall be produced and filed with the court. In case such certificates can not be secured, upon proof of such fact, the record of age stated in the first school enrollment of such child shall be admissible as evidence thereof.

Female messengers.

Girls under 18.

SECTION 1728k. No female under eighteen years of age shall be employed as a messenger by any telegraph or telephone company, firm or corporation or by any company, firm, corporation or individual engaged in similar business.

Penalty.

Whoever violates the provisions of this act shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars or by imprisonment for not more than six months.

Seats for female employees.

Seats to be provided.

SECTION 1728l. Every person or corporation employing females in any manufacturing, mechanical or mercantile establishment in the State of Wisconsin shall provide suitable seats for the females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Penalty.

Any person or corporation who shall violate the provisions of this act shall, upon conviction thereof, be considered guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars, nor more than thirty dollars for each and every offense.

Certain employments of children forbidden.

Acrobatic occupations.

SECTION 1728o. No license shall be granted for a theatrical exhibition or public show in which children under fifteen years of age are employed as acrobats, contortionists or in any feats of gymnastics or equestrianism, when in the opinion of the board of officers authorized to grant licenses such children are employed in such manner as to corrupt their morals or impair their physical health.

Penalty.

Any person who shall violate any of the provisions of this act shall, upon conviction, be fined in a sum not exceeding one hundred dollars.

Earnings of married women.

Earnings separate property.

SECTION 2343. The individual earnings of every married woman, except those accruing from labor performed for her husband, or in his employ or payable by him, shall be her separate property and shall not be subject to her husband's control or liable for his debts.

A married woman may contract with a firm of which her husband is a member to run a boarding house for a share of the profits though she has no separate estate. 68 Wis. 572.

Earnings of minors.

Earnings belong to minor, when.

SECTION 2344a. During any time when, by reason of abandonment, drunkenness or profligacy, a parent of a minor shall neglect or refuse to provide for his support, or for his support and education, the earnings of such minor shall be his sole property as against such parent or any creditor of such parent.

Certain employments of children forbidden.

Obscene and immoral employments.

SECTION 4587a. Any person having the care, custody or control of any child under the age of fourteen years who shall exhibit, use or employ, or in any manner or under any pretense sell, apprentice, give away, let out or otherwise dispose of such child to any person for any obscene, indecent or immoral purpose, exhibition or practice, or for any business, exhibition or vocation injurious to the health or dangerous to the life or limb of such child, or who shall cause, procure or encourage any such child to engage therein, and any person who shall take, receive, hire, employ, use, exhibit or have in custody any such child for any such purpose shall be punished by imprisonment in the county jail not exceeding six months or by a fine of not more than one hundred dollars, or by both imprisonment and fine.

WYOMING.

CONSTITUTION.

ARTICLE 9.—*Employment of women and children in mines.*

Employment prohibited.

SECTION 3. No boy under the age of fourteen years and no woman or girl of any age shall be employed or permitted to be in or about any coal, iron or other dangerous mines for the purpose of employment therein: *Provided, however*, This provision shall not affect the employment of a boy or female of suitable age in an office or in the performance of clerical work at such mine or colliery.

REVISED STATUTES—1899.

Certain employments of children forbidden—Employment of women and children in mines.

Acrobatic, mendicant, etc., occupations.

SECTION 2289. It shall be unlawful for any person having the care, custody or control of any child under the age of fourteen years to exhibit, use or employ, or in any manner, or under any pretense, sell, apprentice, give away, let out or otherwise dispose of any such child to any person, in or for the vocation or occupation, service or purpose of singing, playing on musical instruments, dancing, rope or wire walking, begging or peddling, or as a gymnast, contortionist, rider or acrobat, in any place whatsoever; or as an actor or performer in any concert hall or room where intoxicating liquors are sold or given away, or in any variety theater, or for any illegal, obscene, indecent or immoral purpose, exhibition or practice whatsoever; or for or in any business exhibition or vocation, injurious to the health or dangerous to the life or limb of such child, or cause, procure or encourage such child to engage therein. Nothing in this section contained shall apply to or affect the employment or use of any child as a singer or musician in any church, school or academy, or at any respectable entertainment, or the teaching or learning the science or practice of music. It shall be unlawful for any person to take, receive, hire, employ, use, exhibit or have in custody any child, under the age, and for the purposes prohibited in this section.

Employment in mines.

SEC. 2295. Any person who shall take, receive, hire or employ, either in his or her own behalf, or as the agent, servant or employee of any person, persons, association of persons, copartnership, company, corporation, any boy or male child under the age of fourteen years, or any woman or girl of any age, or shall allow or permit the said persons to be in or about any coal, iron or other dangerous mine, or underground works or dangerous place whatsoever in this State, for the purpose of employment therein or thereabouts, shall be fined not less than twenty-five dollars, nor more than one hundred dollars to which may be added imprisonment in the county jail not more than six months: *Provided, however,* That the provisions of this section shall not affect or apply to the employment of a boy or female of suitable age in an office, or in the performance of clerical work at such mine, colliery or place.

Earnings of married women.

Earnings separate property.

SECTION 2976. Any married woman may * * * perform any labor or services on her sole and separate account and the earnings of any married woman from her * * * labor or services, shall be her whole and separate property and may be used and intrusted by her in her own name, and she may sue and be sued as if sole in regard to her * * * labor, services and earnings, * * *

ACTS OF 1901.

CHAPTER 33.—*Seats for female employees.*

Seats to be provided.

SECTION 1. Every person or corporation employing females in any manufacturing, mechanical or mercantile establishment in the State of Wyoming shall provide suitable seats for females so employed, and shall permit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

Penalty.

SEC. 2. Any person or corporation who shall violate the provisions of this act shall, upon conviction thereof, be considered guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars, nor more than thirty dollars for each and every offense.

ACTS OF 1903.

CHAPTER 35.—*Mining regulations—Engineers.*

Hoisting engineers.

SECTION 8. No person * * * under eighteen years of age shall be employed as hoisting engineer.

UNITED STATES.

ACTS OF 1890–91.

CHAPTER 564.—*Employment of children in mines.*

Age limit.

SECTION 12. No child under twelve years of age shall be employed in the underground workings of any mine. And no father or other person shall misrepresent the age of anybody so employed. Any person guilty of violating the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not to exceed one hundred dollars.

[This section applies to coal mines in the Territories of the United States, unless superseded by act of Territorial legislature, certified by the governor of the Territory to the Secretary of the Interior.]

LAWS RELATING TO FACTORY INSPECTION AND THE HEALTH AND SAFETY OF EMPLOYEES.

The Bureau of Labor published in the year 1904 a compilation of labor laws of the United States, including all legislation up to the close of the year 1903. In the four years that have elapsed since then a number of States have revised or supplemented their laws on the subject of factory inspection and provision for the safety of employees, so that the agents and experts of the Bureau employed in the investigation relating to the employment of women and children, to whom the regulations governing the employment of labor in factories are of frequent importance, found the earlier compilation incomplete, and it is in part to meet the demands of this investigation that the present revision has been prepared.

Besides this, there is a considerable general interest in the subject of safeguarding the employees in the manufacturing establishments of our country; while the activity of many of the countries of Europe in the direction of securing international agreements and regulations on this subject makes it desirable to collate for comparative purposes the laws of all industrial countries thereon.

The same rule as to omitting superseded statutes that was followed in the compilation of the laws relating to the employment of women and children has been followed here. Available notes on court decisions are presented.

Some laws or parts of laws that would otherwise be reproduced in this group of laws also have place in the foregoing compilation, since they relate only to minor and female employees in factories. It has not seemed necessary to duplicate such matter where it was clearly separable from general inspection laws. Each compilation is indexed separately.

ALABAMA.

ACTS OF 1907.

Act No. 278.—*Inspection of cotton mills.*

Inspector.

Section 1. There is hereby created the office of inspector of jails and almshouses and the inspector shall be a practicing physician in good standing, learned in the science of sanitation and hygiene and shall be appointed by the governor, and shall hold his office for a term of four years from the date of his appointment.

Salary.

Sec. 2. The salary of the inspector shall be twenty-four hundred dollars ($2,400) annually, and in addition to his salary, he shall be paid his necessary traveling expenses to be paid as the salaries of other State officers are paid.

Duties.

SEC. 10. It shall also be the duty of said inspector to visit at least four times each year, and oftener when ordered by the governor so to do, each and every cotton mill or factory in this State and to thoroughly inspect the same for the purpose of ascertaining their sanitary condition, the ages and condition of the children employed therein and all other matters concerning the operation and condition of said mills or factories as to which the laws of this State prescribe any rules or regulations, and to make reports to the governor of the result of each such inspection. It shall also be the duty of such inspector, when ordered so to do by the governor, to institute prosecutions against the owners and operators of such mills or factories for the violation of any of the rules or regulations prescribed by any law of this State relating to the conditions or operations of such mills or factories or the employment of children therein.

CALIFORNIA.

CODES AND STATUTES OF 1885.

VOL. V.—SUPPLEMENT OF 1889.

Factories, workshops, etc.—Inspection, etc.

(Page 554. Act of February 6, 1889.)

Sanitation.

SECTION 1. Every factory, workshop, mercantile or other establishment, in which five or more persons are employed, shall be kept in a cleanly state and free from the effluvia arising from any drain, privy, or other nuisance, and shall be provided, within reasonable access, with a sufficient number of water-closets or privies for the use of the persons employed therein. Whenever the persons employed as aforesaid are of different sexes, a sufficient number of separate and distinct water-closets or privies shall be provided for the use of each sex, which shall be plainly so designated, and no person shall be allowed to use any water-closet or privy assigned to persons of the other sex.

Ventilation.

SEC. 2. Every factory or workshop in which five or more persons are employed shall be so ventilated while work is carried on therein that the air shall not become so exhausted as to be injurious to the health of the persons employed therein, and shall also be so ventilated as to render harmless, as far as practicable, all the gases, vapors, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein, that may be injurious to health.

Use of cellars, etc.

SEC. 3. No basement, cellar, underground apartment, or other place which the commissioner of the bureau of labor statistics shall condemn as unhealthy and unsuitable, shall be used as a workshop, factory, or place of business in which any person or persons shall be employed.

Exhaust fans, etc.

SEC. 4 (as amended by chapter 176, Acts of 1901). In any factory, workshop, or other establishment where a work or process is carried on by which dust, filaments, or injurious gases are generated or produced, that are liable to be inhaled by persons employed therein, the person, firm, or corporation by whose authority the said work or process is carried on shall cause to be provided and used in said factory, workshop, or establishment an exhaust fan or blower, and pipes and hoods extending therefrom to each wheel or other apparatus used to grind, polish, or buff metals. The said fan or blower, and the said pipes and hoods, all to be properly fitted and adjusted, and of power and dimensions sufficient to effectually prevent the dust and filaments produced by the above said metal-polishing, metal-grinding, or metal-buffing from escaping into the atmosphere of the room or rooms of said factory, workshop, or establishment where persons are employed.

Seats for female employees.

SEC. 5 (as amended by chapter 12, Acts of 1903). Every person, firm, or corporation employing females in any manufacturing, mechanical, or mercantile establishment shall provide suitable seats for the use of the females so employed, and shall provide such seats to the number of at least one-third the number of females so employed; and shall per-

mit the use of such seats by them when they are not necessarily engaged in the active duties for which they are employed.

SEC. 6. Any person or corporation violating any of the provisions of this act shall be punished by a fine of not less than fifty nor more than one hundred dollars for each offense. Penalty.

SEC. 7. It shall be the duty of the commissioner of the bureau of labor statistics to enforce the provisions of this act. Enforcement.

COLORADO.

ANNOTATED STATUTES OF 1891.

Inspection of steam boilers.

SECTION 4192. The governor of the State of Colorado shall, by and with the advice and consent of the senate, on or before April 1, 1889, appoint an inspector of steam boilers. The person so appointed shall be well qualified, from practical experience in the use and construction of boilers, generators, super-heaters and their appurtenances, used for the generating of steam for power, steaming or heating purposes, and shall be neither directly nor indirectly interested in the manufacturing, ownership or agency of same. The duty of said inspector shall be to inspect steam boilers throughout the State, as hereinafter specified and directed. The inspector shall hold office for the term of two years from date of appointment, and until his successor shall be appointed and qualified, and before entering on the duties of his office he shall give a good and sufficient bond in the sum of five thousand (5,000) dollars for the faithful performance of his duties, to be approved by the attorney-general, and deposited with the secretary of state. Said inspector shall receive an annual salary of two thousand five hundred (2,500) dollars and mileage at ten cents per mile, payable as other State officers: *Provided*, He shall not receive mileage to exceed five hundred dollars in any one year. Said inspector may appoint deputy inspectors in each judicial district in the State, and who shall have the same powers as the inspector, who shall receive as compensation four dollars per day while actually employed, and shall be paid in the same manner as other State officers, and mileage at ten cents per mile. He may also employ a clerk at an annual salary not exceeding one thousand (1,000) dollars, to be paid monthly, as other State officers. Inspector.

SEC. 4193. The inspector shall devote his time and attention to the duties of the office. He shall carefully inspect and test every stationary boiler and steam generating apparatus under pressure used for stationary power, as provided by this act, including all attachments and connections located within the State of Colorado, once annually, and shall give the owner of any such boiler five days' notice of the time when he will make such inspection: *Provided*, That any owner or user of any steam boiler in this State who may desire to insure such boiler in any reputable insurance company, and who shall desire to have an inspection made for the purpose of said insurance, may give to said State steam boiler inspector ten days' notice, in writing, of the time of such contemplated insurance inspection, and it shall thereupon be the duty of said State steam boiler inspector to cause the annual State inspection, [by] this act provided, to be made at the same time that said examination for insurance is made; he shall examine into and report to the governor the cause of any boiler explosion that may occur within the State; he shall keep in his office a complete and accurate record of the names of owners or users of steam boilers inspected, giving a full description of the same, the amount of pressure allowed, the date when last tested, and shall make an annual report to the governor. Annual inspections. Proviso.

SEC. 4194. It shall be the duty of every owner or user of steam boiler or boilers, in use or to be used in any part of this State within thirty days after the passage of this act, and once a year thereafter, at such convenient times and in such manner and form as may be determined by rules and regulations to be made therefor by the inspector, to report to said inspector the location of such steam boiler or boilers, and all apparatus and appliances connected therewith, and the strength and Boilers to be reported.

Test. security of such boiler shall be tested by hydrostatic pressure, each boiler being tested one-third greater than the ordinary working steam pressure used, and to a pressure demanded by the owner; and the certificate of inspection herein provided shall state the maximum pressure at which such boiler may be worked. If at any time the inspector shall find a boiler which, in his judgment, is unsafe after inspecting the same, he shall condemn its future use. All boilers to be tested by hydrostatic pressure shall be filled with water by the owners or users, and they shall furnish the necessary labor required to work and handle the pumps in applying the test, which pumps shall be furnished by the inspector if necessary. All certificates shall be for one year, unless sooner revoked for cause.

Pressure limited. SEC. 4195. The owners or users of steam boilers, or engineers in charge of same, shall not allow a greater pressure in any boiler than is stated in the certificate of inspection granted by the inspector. No

Condemned boilers. person or persons shall use or cause to be used for generating steam any boiler that has been condemned as unsafe by the inspector. Before

Installation of boilers. the owner, owners or users of any steam boiler or boilers shall have said boilers placed in position, he or they shall notify the inspector, who shall, within ten days from the date of receiving such notification, examine the same and satisfy himself that the construction, material, bracing and all other parts of such boiler or boilers are such as to assure the safety of the same. Any person or persons violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine in any sum

Penalty. not exceeding one thousand (1,000) dollars, or by imprisonment for a period not exceeding two years, or by both such fine and imprisonment.

Fees. SEC. 4196. There shall be paid for the inspection of each boiler, according to the provisions of this act, the sum of five (5) dollars, to be paid by the owner, user or agent of the same, occupying the building in which it may be situated, and the inspector shall receipt for the same. In case the owner, user or agent of any such boiler or boilers shall fail to report the location of such boiler or boilers to the inspector,

Penalty. as aforesaid, he shall be liable to pay a penalty of fifty (50) dollars, and in case the owner, users or agent of any such boiler or boilers shall fail to have the same ready for inspection as aforesaid, he shall be liable to pay the fees and expenses of the inspector incurred in the inspection of any such boiler, and a penalty of ten (10) dollars in addition thereto; fees, expenses and penalty in all such cases may be sued for and recovered in any court of record, by and in the name of the people of the State of Colorado, in any county of the State, and it shall be the duty of the district attorney of the district wherein such county may be situated to prosecute all such suits.

Office, etc. SEC. 4198. The secretary of state shall provide a suitable office for said inspector, properly furnished and supplied with such tools, apparatus and stationery as may be required.

Neglect of duty. SEC. 4199. The inspector of steam boilers provided for in this act shall for every failure to perform his duties as herein directed be deemed guilty of a misdemeanor and, upon conviction thereof, shall

Penalty. be punished by a fine in a sum not less than one hundred (100) dollars nor more than one thousand (1,000) dollars, or be imprisoned for a period of not less than two months nor greater than one year, or by both such fine and imprisonment.

Exception. SEC. 4200. The provisions of this act shall not apply to cities where city boiler inspectors are appointed under the provisions of the ordinances of said city.

CONNECTICUT.

GENERAL STATUTES OF 1902.

Inspection and regulation of bakeries.

Construction, etc. SECTION 2569 (as amended by chapter 13, Acts of 1905). Every building or room occupied as a bakery shall be drained and plumbed in a manner conducive to its healthful and sanitary condition, and constructed with air shafts and windows or ventilating pipes sufficient

to insure ventilation, as the factory inspector shall direct. Every bakery shall be provided with a washroom, and water-closet apart from the bake room and rooms where the manufacturing of such food products is conducted; no water-closet, earth-closet, privy, or ash pit shall be within or communicate directly with a bake shop. Rooms used for the manufacture of flour or meal food shall be at least eight feet in height; the side walls of such rooms shall be plastered or wainscoted, the ceiling plastered or ceiled with lumber or metal, and, if required by the factory inspector, shall be whitewashed at least once in three months; the furniture, utensils, and floor of such rooms shall be kept in healthful sanitary condition. The manufactured flour or meal food products shall be kept in dry, clean, and airy rooms. The sleeping places for persons employed in a bakery shall be separate from the rooms where food products are manufactured or stored. After inspection the factory inspector shall issue a certificate to the owner or operator of such bakery that it is conducted in compliance with the provisions of law, which said certificate shall be kept posted by the owner or operator of such bakery in a conspicuous place in his bake shop; but where orders are issued by said inspector to improve the condition of a bakery, no such certificate shall be issued until such orders shall have been complied with.

Rooms underground.

2. No room or rooms either wholly or partly underground, not now used as a bakery, shall hereafter be used as a bakery. No room or rooms wholly or partly underground, now used as a bakery, which shall hereafter be closed, shall be again used as a bakery.

Rooms not closed.

3. No room or rooms wholly or partly underground which shall have been closed on account of fire, attachments, observance of religious ceremonies, or quarantine regulations, shall be deemed to be closed within the meaning of this act.

Rooms closed.

4. A bake shop shall be deemed to be closed whenever, for any reason except those specified in section three, the business of baking for the public shall be suspended therein.

Violations.

5. Every person who violates any provision of this act shall be subject to the penalties provided by section 2572 of the General Statutes.

Contagious diseases.

SEC. 2570. No employer shall permit any person to work in his bake shop who is affected with pulmonary tuberculosis, scrofulous, or venereal disease, or with a communicable skin affection, and every employer shall maintain himself and his employees in a clean and sanitary condition while engaged in the manufacture, handling, or sale of such food products.

Notice to be complied with.

SEC. 2571. The owner, agent, or lessee of any property used as a bakery shall, within thirty days after the service of notice upon him of an order issued by the factory inspector, comply therewith, or cease to use or allow the use of such premises as a bake shop; such notice shall be in writing and may be served upon such owner, agent, or lessee, either personally or by mail, and a notice by registered letter, mailed to the last known address of such owner, agent, or lessee, shall be sufficient service.

Violations.

SEC. 2572. Every person who violates any provision of sections 2569, 2570 or 2571, or who fails to comply with an order of the factory inspector, shall be fined not more than fifty dollars for the first offense, not more than one hundred dollars or imprisoned not more than ten days for the second offense, and not more than two hundred dollars and imprisoned not more than thirty days for each subsequent offense.

Penalty.

Fire escapes on factories, etc.

Fire escapes required, when.

SECTION 2629. If any * * * workshop, manufactory, * * * or other building * * * in which more than twenty persons shall be employed above the first story, shall be more than two stories in height, it shall be provided with at least one fire escape, of iron or other incombustible material, on the outside of said building; unless, in the opinion of the authority inspecting the same, such building is sufficiently supplied with safe and proper means of egress; and if such building shall be more than one hundred and fifty feet in length it shall be provided with one such fire escape for every one hundred and fifty feet, or fractional part thereof exceeding fifty feet, and such fire escapes shall be conveniently accessible from each story of said building.

Owner to provide. SEC. 2630. The owner of every such building shall provide such fire escapes and means of egress, or cause the same to be provided, and, if he shall neglect to do so for a period of three months after notice from the building inspector or other proper authority, he shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

Penalty.

Enforcement. SEC. 2631. The building inspector of each city, the warden of each borough, or the first selectman of each town not having a building inspector, either by himself or by some proper person appointed by him, shall inspect all the above-named buildings at least once each year between April first and October first, and shall see that the provisions of sections * * * 2629, and 2630 are complied with; and for such purpose he shall have the right to enter any of said buildings in the daytime, between the hours of nine and five o'clock. Said city, borough, or town shall fix and pay the compensation for all such services.

Inspection of factories, etc.

Duty of inspector. SECTION 4515. The inspector shall, as often as practicable, examine all buildings and places where machinery is used, and may enter such buildings and places at all proper times for the purposes of inspection. He shall, on or before the first of December in each year, make a report to the governor of the condition, as respects safety to life and health, of the factories, buildings, and places visited by him.

Lighting, etc. SEC. 4516. All factories and buildings where machinery is used shall be well lighted, ventilated, and kept as clean as the nature of the business will permit. The belting, shafting, gearing, machinery, and drums, of all factories and buildings where machinery is used, when so placed as, in the opinion of the inspector, to be dangerous to the persons employed therein while engaged in their ordinary duties, shall, as far as practicable, be securely guarded. No machinery other than steam engines in a factory shall be cleaned while running after notice forbidding the same is given by the inspector to the owners or operators of the factory.

Safety appliances.

Colored windows. SEC. 4518. Every person, firm, or corporation using stained, painted, or corrugated glass in factory windows, where the same is injurious to the eyes of the workmen therein, shall remove the same upon the order of the factory inspector.

Water-closets. SEC. 4519. Every person or corporation managing or operating any factory, or owning or controlling the use of any other building where more than five persons are employed, shall provide and keep in good sanitary condition suitable water-closet accommodations for the use of the persons employed.

Enforcement. SEC. 4520. The inspector shall enforce the provisions of this chapter by giving proper orders or notices to the persons or corporations owning, operating, or managing the factories or buildings inspected by him, and shall make complaint to the State's attorneys of all violations of this chapter.

Buffing, grinding, etc. SEC. 4521. Whenever the inspector, on complaint of any person, shall find it necessary, for the preservation of the health of the employees in any manufacturing establishment, factory, or mill in which is carried on the business of buffing, polishing, or grinding metals, or any operations in which an excessive amount of dust is generated, that such dust should be removed from the atmosphere of the rooms or apartments used for that purpose, he shall, in writing, direct the person, or corporation owning, occupying, or carrying on business in such premises, within three months from the date of said order, to introduce and operate such appliances or devices as may be necessary to remove, so far as the nature of the business will permit, such excessive dust or foreign matter: *Provided*, That such appliances or devices do not restrict or interfere with the aforesaid business or operations.

Violations. SEC. 4522 (as amended by chapter 53, Acts of 1903). Every owner, lessee, or occupant of a factory, or building included within the provisions of this chapter, or owning or controlling the use of any room in such building, shall for the violation of any provision of sections

4516, 4517, 4518, 4519, or 4521, or for obstructing or hindering the inspector of factories or his deputies in carrying out the duties imposed on them by law, be fined not more than fifty dollars; but no prosecution shall be brought for any such violation until four weeks after notice has been given by the inspector to such owner, lessee, or occupant of any changes necessary to be made to comply with the provisions of said sections, and not then, if, in the meantime, such changes have been made in accordance with such notification. Nothing herein shall limit the right of a person injured to bring an action to recover damages. Penalty.

SEC. 4523. The orders and notices given by the inspector under this chapter shall be written or printed, signed by him officially, and may be served by himself or any proper officer or indifferent person, by leaving an attested copy thereof with or at the usual place of abode of the person upon whom service is to be made; and the notice, properly indorsed with the doings of the person or officer serving the same, shall be returned to the office of the town clerk of the town in which is located the factory, building, or business to which such notice appertains, where it shall be kept on file. Such notice, or copies thereof duly certified by the town clerk, shall be prima facie evidence that notice was given as therein appears. Notice to one member of a firm shall be notice to every member thereof, and notice to the president, secretary, or treasurer of a corporation shall be notice to such corporation. The fees for serving such orders and notices, unless served by the inspector, shall be the same as for the service of process in civil actions, and shall be included in the necessary expenses of the inspector. Notices.

SEC. 4524. Any person, firm, or corporation aggrieved by any order of the factory inspector may appeal to the superior court in the county where the person, firm or corporation owns, leases, or occupies the factory or building to which said order relates, within four weeks after notice of such order shall be given. Said appeal shall operate as a supersedeas, shall be made in writing, and shall contain a brief statement of the facts and reasons of appeal and a citation to the inspector to appear before said court, and said court or a judge thereof may direct the time of appearance and the manner of service. Said court may review the doings of the factory inspector, confirm, change, or set them aside, and make such orders in the premises, including orders as to costs, as it may find to be proper and equitable. Appeals.

SEC. 4527. The inspector shall, as often as practicable, examine all buildings, apartments, rooms, and places in any tenement or dwelling house used for residential purposes and used in whole or in part by others than the immediate members of the family therein, for the manufacture of artificial flowers, purses, cigars, cigarettes, or any articles of wearing apparel intended for sale. Sweat shops.

SEC. 4528. The persons engaged in the manufacture of such goods in such premises, within thirty days after beginning such manufacture, shall notify said inspector of the location of said workrooms, the nature of the work there carried on, and the number of persons therein employed. Notice of use.

SEC. 4529. The person operating said workrooms shall keep the same at all times in a clean and sanitary condition, properly lighted, ventilated, and fit for the occupancy of the persons engaged in work therein. The inspector or any of his special agents shall notify the owner of such premises, and the person using the same for the purposes set forth in section 4527 to provide ample means for lighting or ventilating such workrooms, and to put the same in a clean, sanitary, and fit condition for occupancy for said work; and if said notification be not complied with in thirty days after the service of such notice, said inspector or any of his special agents shall cause complaint to be made to the proper prosecuting authority. Sanitation, etc.

SEC. 4530. Every person, firm, or corporation owning, using, or occupying any workroom for the purposes specified in section 4527 shall, for the violation of any provision of sections 4528 or 4529, be fined not more than five hundred dollars. Violations.

Inspection of steam boilers.

Inspector.

SECTION 4890. The governor shall appoint, in each congressional district, a suitable person to inspect steam boilers used for manufacturing, heating, and mechanical purposes, who shall hold office for three years. Said inspector shall, as often as once in each year, carefully inspect every such boiler in his district, and, if he finds such boiler to be in good order, and free from weakness and material defects, he shall give a certificate of inspection to the person using the same; but

Inspection by company's inspectors.

any company incorporated by any State of the United States, for the purpose of making inspection of steam boilers, and that maintains a corps of steam boiler inspectors, and has complied with the insurance laws of this State, may issue certificates of inspection in lieu of those issued by the inspectors appointed by the governor: *Provided*, A policy of insurance is issued covering loss or damage to person or property arising from the explosion of the boiler or boilers so inspected; and the boilers on which such certificates have been issued shall be exempt from inspection by the steam boiler inspectors of the State.

Notice of defects.

SEC. 4891. If said inspector finds any boiler out of order, materially weak, or defective, he shall advise its owner, lessee, or user as to its necessary repairs, and if such repairs are not made, he may call in the inspector from an adjoining district, and if they agree that such boiler is not in proper condition, they shall give written notice to its owner, lessee, or user not to use it until such repairs are made as said inspectors shall specify, or if they are of the opinion that it is utterly worthless, or that its use will endanger the public safety, they shall forbid its use.

Act does not apply, when.

SEC. 4892. The provisions of sections 4890 and 4891 shall not apply to any city or town having a system of boiler inspection, unless accepted and adopted by it.

Violation.

SEC. 4894. Every person who shall neglect or refuse to have any steam boiler used by him inspected, or shall suffer it to carry a greater pressure of steam than is allowed by the certificate of the inspector, shall be fined not more than two hundred dollars.

Use of condemned boiler.

SEC. 4895. Every person who shall use any steam boiler after its use is forbidden by the inspectors shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both.

False certificates.

SEC. 4896. Every inspector who shall willfully and knowingly falsely certify to the condition of any boiler inspected by him, or who shall issue a certificate without having made a careful inspection, as provided in section 4890, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both.

Exemptions.

SEC. 4897. The provisions of this chapter shall not apply to the boilers of locomotive engines or to boilers used exclusively for heating private residences.

ACTS OF 1903.

CHAPTER 97.—*Inspector of factories, etc.*

Inspector.

SECTION 1. The governor shall, with the consent of the senate, on or before the fifteenth day of May, A. D. 1903, and before the first day of May quadrennially thereafter, appoint a factory inspector, who shall hold office for four years and until his successor is appointed and qualified. The governor may remove the inspector for cause. Said factory inspector shall receive an annual salary of twenty-five hundred dollars and necessary expenses.

Elevators, etc., to be inspected.

SEC. 2. The inspector shall examine all elevators, whether in factories, mercantile establishments, storehouses, workhouses, dwellings, or other buildings, and may order hoistways, hatchways, elevator wells, and well holes to be protected by trapdoors, self-closing hatches, safety catches, or other safeguards as will insure the safety of all persons therein. Due diligence shall be used to keep such trapdoors closed at all times, except when in actual use by an occupant of the building having the use and control of the same. All elevator cabs or cars, whether used for freight or passengers, shall be provided with some suitable mechanical device, if considered necessary by said inspector, whereby the cab or car will be securely held in the event

of accident to the shipper rope or hoisting machinery, or from any similar cause, and said mechanical device shall at all times be kept in good working order.

Deputies.

SEC. 3 (as amended by chapter 241, Acts of 1907). The inspector may from time to time appoint deputies to assist him in the performance of his duties. Such deputies shall have the same power and authority as the inspector, subject to his approval. Each of said deputies shall receive a compensation of five dollars per day for actual services, and his or her necessary expenses incident to the performance of the duties of his or her office. The total amount expended under this section shall not exceed in any one year nine thousand dollars, which shall be paid upon proper vouchers by the deputies, signed by the inspector.

ACTS OF 1907.

CHAPTER 241.—*Factory inspectors—Female deputy.*

Female inspector.

SECTION 1. The factory inspector shall, in addition to the deputy factory inspectors provided for by chapter 97 of the Public Acts of 1903, appoint, from time to time, on the recommendation of an advisory commission of three women appointed by the governor for that purpose as specified in section five of this act, a female deputy factory inspector, who shall hold office until her successor is appointed and qualified, unless removed by said factory inspector for cause. Said female deputy factory inspector shall receive the compensation for services and expenses provided by section three of chapter 97 of the Public Acts of 1903 as amended by this act.

Duties.

SEC. 2. Said female deputy factory inspector shall inquire into the enforcement of the laws regulating the employment of women and girls in any manufacturing, mechanical, or mercantile establishment, investigate the conditions relating to the health and welfare of women and girls employed in such establishments, and report thereon to the factory inspector: *Provided, however*, That she shall have no power or authority over and no duty concerning any machinery, appliances, or fixtures except sanitary fixtures.

Powers.

SEC. 3. Said female deputy factory inspector shall have the same power and authority as the factory inspector, except as to machinery, appliances, and fixtures, subject to his approval, and shall serve under the direction of said factory inspector in all respects as other deputy inspectors.

Commission of women.

SEC. 5. The governor shall, on or before the first day of August, 1907, appoint three women, no two of whom shall be residents of the same town, who shall constitute an advisory commission for the appointment of a female deputy factory inspector and shall serve for two, four, and six years respectively; and biennially thereafter the governor shall appoint one member of said commission to serve for the term of six years. It shall be the duty of said commission to recommend to the factory inspector some woman for appointment as female deputy factory inspector, such recommendation to be made on or before October 1, 1907, and thereafter whenever a vacancy shall occur in said office.

DELAWARE.

REVISED CODE OF 1893.

CHAPTER 127.—*Fire escapes on factories, etc.*

(Page 929.)

Fire escapes to be provided for certain buildings.

SECTION 1. The owner or owners of any building * * * being more than two stories in height and which shall be used in the third or any higher story, in whole or in part as a * * * factory or workshop, or as a tenement house * * * shall be required to furnish such building with sufficient permanent fire escapes from the third and all higher stories, and which escapes shall be kept and maintained in good order. Such fire escapes may be by means of stairways or ladders outside the building, or by stairways in a separate

tower or structure furnished with safe and easy communication with such building: *Provided*, That this act shall not apply to any building whatever that is already supplied with two or more independent stairways leading from the highest story to the ground floor, if said stairways shall not be nearer to each other at any point than a distance of sixty feet.

Inspection.

SEC. 2. It shall be the duty of the chief engineer of the fire department in any city, town or borough where there may be such officers, or if there be no such officer therein, then of the mayor or chief officer thereof, and in all other places of the clerk of the school district wherein any such building is located to examine such fire escapes as to their suitableness and sufficiency, whether as to quality, location or number. If upon such examination such escapes be found to be sufficient and suitable, the person examining shall give the owner of such building or some one of them, if more than one, a certificate stating such examination and his approval, which certificate shall be good for two years, at the expiration of which time another examination shall be had and a like certificate given. Such certificate of approval shall be evidence of sufficient compliance with the requirements of this act and shall protect such owner from any penalty herein prescribed during the time for which it may have been given. The fee for such examination shall be one dollar.

Penalty.

SEC. 4. Every owner of any such building as is specified in this act, whether an individual or a body corporate, who shall fail to comply with the provisions thereof shall be deemed guilty of a misdemeanor and be liable to indictment, and upon conviction shall forfeit and pay to the State a fine not exceeding two hundred dollars, and in case of a corporation, payment of the fine may be enforced by a writ of fieri facias to be issued out of the court where such conviction was had on the judgment thereof and continued by venditioni exponas as upon judgments in the superior court.

ACTS OF 1897.

CHAPTER 452.—*Factories and workshops—Provisions for female employees—New Castle County.*

Dressing rooms, etc., for female employees.

SECTION 1 (as amended by chapter 453, Acts of 1897). It shall be the duty of every person or corporation employing female labor to the number of ten or upwards in New Castle County to provide, within three months after the passage of this act, a room or rooms, plainly and appropriately furnished, for such female employees to dress, wash and lunch in, separate and apart from the male employees of such person or corporation, allowing in said separate room or rooms [sic]; *and further*, to provide washing sinks for such female employees, separate and apart from such male employees, allowing one such washing sink to each fifteen of such female employees employed by such person or corporation; *and further*, to provide water-closets for such female employees, separate from those used by such male employees: *Provided*, That nothing in this section shall apply to canning establishments doing business in the rural districts of said county.

Seats.

SEC. 2. It shall be the duty of every storekeeper in New Castle County to provide seats for his or her clerks and employees, so that when unemployed such clerks and employees may be seated.

Workrooms to be warm.

SEC. 3. It shall be the duty of every person or corporation employing female labor to provide such places for such female employees to work in during cold weather as shall be reasonably and comfortably warm.

Abusive, etc., language forbidden.

SEC. 4. It shall be unlawful for any employer of female labor, or any overseer, superintendent, foreman or boss of any such employer of female labor to use toward female employees any abusive, indecent or profane language, or to in any manner abuse, misuse, unnecessarily expose to hardship, or maltreat any such female employee.

Penalty.

SEC. 5. Any person violating any provision of section 4 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten and not exceeding one hundred dollars for each offense; any person or corporation violating any provision of

the first, second and third sections of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined the sum of ten dollars, and shall be subject to the further penalty of ten dollars for each day thereafter during which such corporation or person shall refuse or neglect to provide the furnished rooms, seats, appliances or furnish the heat therein mentioned.

CHAPTER 452.—*Inspection of factories—Female inspector.*

Female inspector.

SECTION 7. The chief justice of the State of Delaware is hereby authorized and required within sixty days after the passage of this act to appoint a female inspector, whose duty it shall be to visit from time to time all stores, mills, factories and other places of business where female labor is employed and to duly enforce the provisions of this act. Whenever said inspector shall ascertain that the provisions of this act or any of them are being violated by any employer in New Castle County, it shall be the duty of said inspector to serve upon such violator of the provisions of this act written notice that unless such employer shall conform to the requirements of this act, and wholly cease any violation thereof within ten days from the services of such notice, such employer will be prosecuted under the provisions of this act. And it shall further be the duty of said inspector in case of the neglect or failure of such employer, who has received such notice, to conform to the provisions of this act, and to cease all violations thereof within ten days from the said service of said notice, to institute the prosecution of such recalcitrant employer or employers under the provisions of this act, by swearing out before any justice of the peace in New Castle County resident in the hundred where said employer may have his, her or its place of business, or in an adjacent hundred, the necessary warrant or complaint and thereupon to assist and enforce the prosecution of the person or corporation so complained of to the full extent of her power, and it shall further be the duty of such inspector in case any prosecutions under the provisions of this act shall be begun or instituted by any other person than such inspector, to aid, further and assist such independent prosecution of such employer to the best of her power, and whenever such independent prosecution of any such employer shall be begun by any person other than said inspector it shall be the duty of the justice of the peace before whom such complaint shall be made to straightway notify by due course of mail the inspector appointed under this act, informing such inspector of the name of the complainant and defendant, of the names of the witnesses indorsed upon said complaint and of the day, hour and place fixed for the hearing of said cause.

Inspector to have access to workrooms.

SEC. 8. It shall be the duty of every employer of female labor in New Castle County, whether to the number of ten or upward or less, to permit said inspector to have full and free access at any time during the working noon hours of said employees to the place of business of such employer where such employees are employed, and in case any such employer shall refuse such inspector full and free access to his place of business as aforesaid, or shall in any way hinder or prevent the full performance of her duties of inspection under the provisions of this act, such employer shall be deemed guilty of a misdemeanor, and upon every conviction of such interference with said inspector in the performance of her duties, shall pay a fine to New Castle County of ten dollars, which fine shall be collected in the same manner as the other fines and penalties heretofore provided for in this act.

Term, etc.

SEC. 9 (as amended by chapter 453, Acts of 1897). The inspector appointed under this act shall hold her said office for the term of two years, or until her successor is appointed, and shall receive an annual salary of three hundred dollars, payable quarterly, by warrants upon the county treasury; it shall further be her duty on the first day of August in each year subsequent to the year of her appointment, to make a written report to the chief justice of her acts and of all transactions under this statute. The provisions of this act shall apply to and be enforced only in duly incorporated towns and cities in New Castle County.

Report.

DISTRICT OF COLUMBIA.

ACTS OF U. S. CONGRESS, 1897–98.

CHAPTER 8.—*Factories and workshops—Water-closets.*

Water-closets to be provided.

SECTION 9. Every building in said District * * * where persons are employed or intended to be employed in any trade or business, shall be provided with sufficient and suitable privy accommodations, having regard to the number of persons employed in or in attendance at such building; and also where persons of both sexes are employed or intended to be employed, or in attendance, with sufficient, suitable, and separate privy accommodations for persons of each sex. It shall be unlawful for any owner or agent to put any person or persons in possession of any building, or any part thereof, not provided with privy accommodations as aforesaid, except a watchman for the purpose of guarding such building or part thereof.

ACTS OF FIRST SESSION, 59TH CONGRESS, 1905–1906.

CHAPTER 957.—*Fire escapes on factories, etc.*

Fire escapes to be erected.

SECTION 2. It shall be the duty of the owner, lessee, occupant, or person having possession, charge, or control of any building already erected, or which may hereafter be erected, in which ten or more persons are employed at the same time in any of the stories above the second story, to provide and cause to be erected and affixed thereto a sufficient number of the * * * fire escapes [of such material, type, and construction as the Commissioners of the District of Columbia may determine], the location and number of the same to be determined by the said commissioners, and to keep the hallways and stairways in every such building as is used and occupied at night properly lighted, to the satisfaction of the Commissioners of the District of Columbia, from sunset to sunrise.

Signs, lights, etc.

SEC. 3. It shall also be the duty of the owner, lessee, occupant, or person having possession, charge, or control of * * * any building in which ten or more persons are employed, as set forth in section two of this act, to provide, install, and maintain therein proper and sufficient guide signs, guide lights, exit lights, hall and stairway lights, fire hose, and fire extinguishers, in such location and numbers and of such type and character as the Commissioners of the District of Columbia may determine.

Alterations.

SEC. 4. The Commissioners of the District of Columbia are hereby authorized and directed to require any alterations or changes that may become necessary in buildings now or hereafter erected, in order to properly locate or relocate fire escapes or to afford access to fire escapes, and to require any changes or alterations in any building that may be necessary in order to provide for the erection of additional fire escapes, when in the judgment of said Commissioners additional fire escapes are necessary.

Fireproof compartment.

SEC. 5. Each elevator shaft and stairway extending to the basement of the buildings heretofore mentioned shall terminate in a fireproof compartment or inclosure, separating the elevator shaft and stairs from other parts of the basement, and no opening shall be made or maintained in such compartment or inclosure unless the same be provided with fireproof doors.

Obstructions.

SEC. 6. It shall be unlawful to obstruct any hall, passageway, corridor, or stairway in any building mentioned in this act with baggage, trunks, furniture, cans, or with any other thing whatsoever.

Gratings.

SEC. 7. No door or window leading to any fire escape shall be covered or obstructed by any fixed grating or barrier, and no person shall at any time place any incumbrance or obstacle upon any fire escape or upon any platform, ladder, or stairway leading to or from any fire escape.

Licenses withheld.

SEC. 8. No license shall be issued to any person to conduct any business for which a license is required in any building mentioned in this

act until such building has been provided and equipped with a sufficient number of fire escapes and other appliances required by this act.

Violations.

SEC. 9. Any person failing or neglecting to provide fire escapes, alarm gongs, guide signs, fire hose, fire extinguishers, or other appliances required by this act, after notice from the Commissioners of the District of Columbia so to do, shall, upon conviction thereof, be punished by a fine of not less than ten dollars nor more than one hundred dollars, and shall be punished by a further fine of five dollars for each day that he fails to comply with the notice aforesaid. Any person violating any other provision of this act shall be punished, upon conviction thereof, by a fine of not less than ten dollars nor more than one hundred dollars for each offense.

Notices.

SEC. 10. The said notice requiring the erection of fire escapes and other appliances mentioned in this act shall specify the character and number of fire escapes or other appliances to be provided, the location of the same, and the time within which said fire escapes or other appliances shall be provided, and in no case shall more than ninety days be allowed for compliance with said notice unless the Commissioners of the District of Columbia shall, in their discretion, deem it necessary to extend their time.

Delivery of notice.

SEC. 11. Said notice shall be deemed to have been served if delivered to the person to be notified, or if left with any adult person at the usual residence or place of business of the person to be notified in the District of Columbia, or if no such residence or place of business can be found in said District by reasonable search, if left with any adult person at the office of any agent of the person to be notified, provided such agent has any authority or duty with reference to the building to which said notice relates, or if no such office can be found in said District by reasonable search if forwarded by registered mail to the last known address of the person to be notified and not returned by the post-office authorities, or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post-office authorities, if published on ten consecutive days in a daily newspaper published in the District of Columbia, or if by reason of an outstanding unrecorded transfer of title the name of the owner in fact can not be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore in this section provided. Any notice to a corporation shall, for the purposes of this act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right, and notice to a foreign corporation shall, for the purposes of this act, be deemed to have been served if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia: *Provided*, That in case of failure or refusal of the owner, lessee, occupant, or person having possession, charge, or control of any buildings specified in this act to comply with the requirements of the notice provided for in section ten, then, and in that event, the Commissioners are hereby empowered and it is their duty to cause such erection of fire escapes and other appliances mentioned in the notice provided for, and they are hereby authorized to assess the costs thereof as a tax against the buildings on which they are erected and the ground on which the same stands, and to issue tax-lien certificates against such building and grounds for the amount of such assessments, bearing interest at the rate of ten per centum per annum, which certificates may be turned over by the Commissioners to the contractor for doing the work.

Injunctions.

SEC. 12. The supreme court of the District of Columbia, in term time or in vacation, may, upon a petition of the District of Columbia, filed by its said Commissioners, issue an injunction to restrain the use or occupation of any building in the District of Columbia in violation of any of the provisions of this act.

GEORGIA.

CODE OF 1895—POLITICAL CODE.

Fire escapes on factories, etc.

What buildings to have fire escapes.

SECTION 2622. Owners of every building more than two stories in height, not including the basement, used in the third or higher stories, in whole or in part, as factory or workshop, shall provide more than one way of egress from each story of said building, above the second story, by stairways, on the inside or outside of said building, and such stairways shall be, as nearly as may be practicable, at opposite ends of each story, and so constructed that, in case of fire, the ground can be readily reached from the third and higher stories. Stairways on the outside of said buildings shall have suitable railed landings at each story above the first, and shall connect with each of said stories by doors or windows, opening outwardly, and such doors, windows and landings shall be kept at all times clear of obstructions. All the main doors of such buildings, both inside and outside, shall open outwardly, and each story shall be amply supplied with means for extinguishing fires.

Landings.

Doors to open outwardly.

Inspection.

SEC. 2623. The municipal authorities of the town or city where such building is situated, or the ordinary of the county if the building is situated outside of any town or city, shall require the fire marshal or chief officer of the fire department, and if there is no fire marshal nor chief fireman, then some other suitable official, to examine such buildings at least once a year, and report in writing to said municipal authorities, or said ordinary, that said requirements have or have not been complied with. If not complied with, the municipal authorities or the ordinary, as the case may be, shall notify in writing the owner of such building to provide needful alterations or additions.

Who to make alterations.

SEC. 2625. The owners of buildings referred to in this chapter shall make all alterations or additions necessary to comply with the requirements of this chapter. Examinations and reports shall be made during the month of December of each year.

HAWAII.

REVISED LAWS OF 1905.

Regulation of laundries.

Laundries, etc. to be erected.

SECTION 1063. The superintendent of public works may cause to be built and erected in the district of Kona, Island of Oahu, a sufficient number of laundries and wash houses, and to let the same to persons applying therefor at such rents, and upon such terms as the said superintendent shall deem advisable. And in like manner to designate and use for such purposes buildings already erected.

Board of health.

SEC. 1065. Such laundries and wash houses when erected shall be under the supervision and control of the board of health.

Use of other buildings.

SEC. 1066 (as amended by act No. 111, Acts of 1907). Every person who shall carry on the business of laundry keeping or washing for hire, within the limits of the city of Honolulu, except in such buildings as shall be provided for such purpose, in accordance with the provisions of section 1063, or in such buildings as may be approved and designated for such purpose by the board of health, shall upon conviction be liable to a fine not to exceed ten dollars for each and every day during which he shall so carry on such business, and in default of payment of such fine shall be imprisoned until such fine is paid.

IDAHO.

ACTS OF 1903.

Fire escapes on factories, etc.

(Page 148.)

SECTION 1. It is hereby made the duty of every person, firm or corporation, or his or its agents, officers or trustees owning or having the management or control of any * * * factory or other structure over two stories in height to provide and furnish such building with safe and suitable metallic, iron or fireproof ladders of sufficient strength and permanently and securely attach the same to the outside or outer walls of such buildings in such manner and in such position as to be adjacent to the windows and convenient and easy of access to the occupants of such buildings in case of fire. Factories more than two stories in height.

SEC. 2. Such metallic, iron or fireproof ladders must connect with each floor above the first, and be well fastened and secure and of sufficient strength and extend from the first story to the upper stories of such building or to the cornice thereof. Ladders.

SEC. 4. Any person, firm or corporation, or his or its agents, officers or trustees, who shall fail to comply with the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punishable by imprisonment in the county jail for not less than three nor more than six months, or by a fine of not less than two hundred dollar[s] ($200), nor more than three hundred dollars ($300), or by both such fine and imprisonment. Violation.

ILLINOIS.

ANNOTATED STATUTES OF 1896.

CHAPTER 48.—*Factories and workshops—Sweat shops.*

SECTION 17. No room or rooms, apartment or apartments in any tenement or dwelling house used for eating or sleeping purposes, shall be used for the manufacture, in whole or in part, of coats, vests, trousers, knee pants, overalls, cloaks, shirts, ladies' waists, purses, feathers, artificial flowers or cigars, except by the immediate members of the family living therein. Every such workshop shall be kept in a cleanly state, and shall be subject to the provisions of this act; and each of said articles made, altered, repaired or finished in any of such workshops shall be subject to inspection and examination, as hereinafter provided, for the purpose of ascertaining whether said articles, or any of them, or any part thereof, are in a cleanly condition and free from vermin and any matter of an infectious and contagious nature; and every person so occupying or having control of any workshop as aforesaid shall within fourteen days from the taking effect of this act, or from the time of beginning of work in any workshop as aforesaid, notify the board of health of the location of such workshop, the nature of the work there carried on, and the number of persons therein employed. Sewing, etc., in living rooms. Inspection.

SEC. 18. If the board of health of any city or said State inspector finds evidence of infectious or contagious diseases present in any workshop, or in goods manufactured or in process of manufacture therein, and if said board or inspector shall find said shop in an unhealthy condition, or the clothing and materials used therein to be unfit for use, said board or inspector shall issue such order or orders as the public health may require, and the board of health are hereby enjoined to condemn and destroy all such infectious and contagious articles. Infectious diseases, etc.

SEC. 19. Whenever it shall be reported to said inspector or to the board of health, or either of them, that coats, vests, trousers, knee-pants, overalls, cloaks, shirts, ladies' waists, purses, feathers, artificial flowers or cigars are being transported to this State, having been previously manufactured in whole or part under unhealthy conditions, Importation of sweat shop manufactures.

said inspector shall examine said goods and the condition of their manufacture, and if upon such examination said goods or any of them are found to contain vermin, or to have been made in improper places or under unhealthy conditions, he shall make report thereof to the board of health, or inspector, which board or inspector shall thereupon make such order or orders as the public health shall require, and the board of health are hereby empowered to condemn or destroy all such articles.

CHAPTER 70.—*Guards on threshing machines, etc.*

Tumbling rods, etc., to be boxed.

SECTION 3. All persons in this State who are or may hereafter own or run any threshing machine, corn sheller, or any other machine which is connected to a horse power by means of tumbling rods or line of shafting, shall cause each and every length or section of such tumbling rod (except the one next the horse power), together with the knuckles or joints and jacks thereof, to be safely boxed or secured while running.

Liability for injuries, etc.

SEC. 4. Any person owning or running any machine, as mentioned in section 1 [sec. 3] of this act, without complying with the requirements of the aforesaid section, shall be held liable to the person damaged for any damage which may be sustained by such person by reason of such neglect, and no action shall be maintained nor shall any legal liability exist for services rendered by or with any such machine, when it shall be made to appear that the first section [sec. 3] of this act has not been complied with.

A plaintiff suing under this statute must show due care on his part to same degree as in actions for injuries resulting from negligence. 10 Ill. App. 271.

ACTS OF 1897.

Factories and workshops—Use of blowers on metal-polishing machinery.

(Page 250.)

Blowers for emery wheels, etc.

SECTION 1. All persons, companies or corporations operating any factory or workshop where emery wheels or emery belts of any description are used, either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with blowers, or similar apparatus, which shall be placed over, beside or under such wheels or belts in such a manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation directly to the outside of the building or to some receptacle placed so as to receive and confine such dust: *Provided*, That grinding machines upon which water is used at the point of the grinding contact shall be exempt from the provisions of this act: *And provided*, This act shall not apply to small shops employing not more than one man in such work.

Provisos.

Hoods or hoppers.

SEC. 2. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet of [or] cast iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels, or will be thrown into such hood or hopper by centrifugal force and be carried off by the current of air into a suction pipe attached to same [said] hood or hopper.

Suction pipes.

SEC. 3. Each and every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter with four-inch [such] suction pipe; wheels from twenty-four inches to thirty-six inches in diameter with five-inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe not less than six inches in diameter. The suction pipe from each wheel, so specified,

must be full size to the main-trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan, connected with such suction pipe or pipes, shall be as large or larger than the suction pipe.

Fans, etc.

SEC. 4. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide the necessary fans or blowers to be connected with such pipe or pipes, as above set forth, which shall be run at a rate of speed as will produce a velocity of air in such suction or discharge pipe of at least nine thousand feet per minute to an equivalent suction of pressure of air equal to raising a column of water not less than five inches in a U-shaped tube. All branch pipes must enter the main-trunk pipe at an angle of forty-five degrees or less, the main suction or trunk pipe shall be below the emery or buffing wheels and as close to the same as possible, and to be either upon the floor or beneath the floor on which the machines are placed to which such wheels are attached. All bends, turns or elbows in such pipes must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

Investigation of complaints.

SEC. 5. It shall be the duty of any factory inspector, sheriff, constable or prosecuting attorney of any county in this State in which any such factory or workshop is situated, upon receiving notice in writing signed by any person having knowledge of such facts, accompanied by the sum of one dollar as compensation for his services, that such factory or workshop is not provided with such appliances as herein provided for, to visit any such factory or workshop and inspect the same, and for such purpose they are hereby authorized to enter any factory or workshop in this State during working hours, and upon ascertaining the facts that the proprietors or managers of such factory or workshops have failed to comply with the provisions of this act, to make complaint of the same in writing before a justice of the peace or police magistrate having jurisdiction, who shall thereupon issue his warrant, directed to the owner, manager or director, in such factory or workshop, who shall be thereupon proceeded against for the violation of this act and [as] hereinafter mentioned, and it is made the duty of the prosecuting attorney to prosecute all cases under this act.

Penalty.

SEC. 6. Any person or persons or company, or managers, or directors of any such company or corporation who shall have the charge or management of such factory or workshop, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than twenty-five dollars and not exceeding one hundred dollars.

ACTS OF 1899.

Fire escapes on factories, etc.

(Page 220.)

Fire escapes on certain buildings.

SECTION 1. All buildings in this State which are four or more stories in height, excepting such as are used for private residences exclusively, but including flats and apartment buildings, shall be provided with one or more metallic ladder or stair fire escapes attached to the outer walls thereof and extending from or suitably near the ground, to the uppermost story thereof, and provided with platforms of such forms and dimensions, and in such proximity to one or more windows of each story above the first, as to render access to such ladder or stairs from each such story easy and safe; the number, location, material and construction of such escapes to be subject to the approval of the board of supervisors in counties under township organization, and a board of county commissioners in counties not under township organization, except in villages, towns and cities organized under any general or special law of this State, such approval shall be had by the corporate authorities of such villages, towns and cities: *Provided,*

however, That all buildings more than two stories in height, used for manufacturing purposes or for hotels, dormitories, schools, seminaries, hospitals or asylums, shall have at least one such fire escape for every fifty (50) persons for which working, sleeping or living accommodations are provided above the second stories of said buildings; * * *

New buildings. SEC. 2. All buildings of the number of stories and used for the purposes set forth in section one (1) of this act, which shall be hereafter erected within this State, shall upon or before their completion each be provided with fire escapes of the kind and number, and in the manner set forth in said section 1 of this act.

Enforcement. SEC. 3. The boards of supervisors and commissioners, and in villages, towns and cities, the corporate authorities thereof as aforesaid shall direct the sheriff of their respective counties to serve a written notice in behalf of the people of the State of Illinois, upon the owner or owners, trustees, lessee or occupant of any building within their county not provided with fire escapes in accordance with the requirements of this act commanding such owners, trustees, lessee or occupant, or either of them, to place or cause to be placed upon such building such fire escape or escapes within thirty (30) days after the service of such notice. And the grand juries of the several counties of this State may also, during any term, visit or hear testimony relating to any building or buildings within their respective counties, for the purpose of ascertaining whether it or they are provided with fire escapes in accordance with the requirements of this act, and submit the result of their inquiry, together with any recommendations they may desire to make, to the circuit court, except in Cook County, and to the criminal court of Cook County, and said court may thereupon, if it find from the report of said grand jury that said building or buildings is [not] or are not provided with a fire escape or escapes in accordance with this act, cause the sheriff to serve a notice or notices upon the owner, trustees, lessee or occupant of such building or buildings.

Penalty. SEC. 4. Any such owner or owners, trustees, lessee or occupant, or either of them, so served with notice as aforesaid, who shall not within thirty (30) days after the service of such notice upon him or them, place or cause to be placed such fire escape or escapes upon such building as required by this act and the terms of such notice, shall be subject to a fine of not less than twenty-five (25) nor more than two hundred (200) dollars, and to a further fine of fifty (50) dollars for each additional week of neglect to comply with such notice.

Complaints. SEC. 6. Any person may at any time make complaint in writing to the board of supervisors or commissioners or corporate authorities whose duty it is hereunder to enforce this law, that such escape or escapes are needed or are unsafe or insufficient, and it shall be the duty of such board of supervisors or commissioners or corporate authorities to at once inspect such building and escape or escapes and cause the sheriff to notify the owner, occupant, or party in control, to immediately take such steps as to overcome the cause of complaint, and any officer, officers or persons failing to comply with this act, upon such complaint being made, shall be fined upon conviction, for each offense, not less than five dollars nor more than one hundred dollars, in any court of competent jurisdiction.

Negligence of officers.

Penalty.

ACTS OF 1907.

PAGE 309.—*Inspection of factories—Butterine and ice cream factories.*

Sanitation. SECTION 1. All buildings or rooms occupied by butterine and ice cream manufacturers shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows and ventilating pipes sufficient to insure ventilation. The factory inspector shall direct the proper drainage, plumbing and ventilation of such rooms or buildings. No cellar or basement now used for the manufacture of butterine or ice cream shall be so occupied or used unless the proprietor shall comply with the sanitary provisions of this act.

Construction. SEC. 2. Every room used for the manufacture of butterine and ice cream shall be at least eight feet in height, and shall have, if deemed

necessary by the factory inspector, an impermeable floor, constructed of cement, or of tiles laid in cement, or an additional flooring of wood, properly saturated with linseed oil. The side walls of such room shall be plastered and wainscoted. The factory inspector may require the side walls and ceiling to be whitewashed at least once in three months. He may also require the woodwork of such walls to be painted. The furniture and utensils shall be so arranged as to be readily cleansed, and not to prevent the proper cleaning of any part of the room. The manufactured butterine and ice cream shall be kept in dry and airy rooms, so arranged that the floors, shelves and all other facilities for storing the same can be properly cleaned. No domestic animal shall be allowed to remain in a room where butterine or ice cream is manufactured or stored, and no water closets or ash pit shall be within or connected with the rooms used in the manufacture of butterine or ice cream. Storage, etc.

Sec. 3. The State factory inspector shall cause such manufactories to be inspected. If it be found, upon such inspection, that the manufactories so inspected are constructed and conducted in compliance with the provisions of this act, the factory inspector shall issue a certificate to the persons owning or conducting such manufactories. Inspection.

Sec. 4. If, in the opinion of the State factory inspector, alterations are required in or upon premises occupied and used as butterine and ice cream manufactories, in order to comply with the provisions of this act, a written notice shall be served by him upon the owner, agent or lessee of such premises, either personally or by mail, requiring such alterations to be made within sixty days after such service, and such alterations shall be made accordingly. Alterations.

Sec. 5. Any person who violates any of the provisions of this act, or refuses to comply with any of the requirements as provided herein, of the factory inspector or his deputy, who are hereby charged with the enforcement of this act, shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than fifty dollars ($50) nor more than two hundred dollars ($200), nor more than five hundred dollars ($500) for the second offense, or imprisonment for not more than thirty days, and for a third offense by a fine of not less than five hundred dollars ($500) nor more than sixty (60) days imprisonment, or both. Violations.

Page 310.—*Department of factory inspection.*

Section 1. There is hereby created and established a separate and distinct department of the State government to be known as the "Illinois Department of Factory Inspection." Department created.

Sec. 2. The governor shall, upon the taking effect of this act, appoint a chief State factory inspector, whose duty it shall be to exercise general supervision over the department of factory inspection, and secure the enforcement of all laws now in force or hereafter enacted, relating to the inspection of factories, mercantile establishments, mills, workshops and commercial institutions in this State, and to perform such other duties as are now or may hereafter be prescribed by law, to be performed by the factory inspector. The salary of such chief State factory inspector shall be three thousand dollars ($3,000) per annum and his term of office shall be four years. The governor shall also appoint upon the taking effect of this act, an assistant chief factory inspector at a salary of one thousand five hundred dollars ($1,500) per annum, and twenty-five deputy factory inspectors at a salary of one thousand two hundred dollars ($1,200) per annum, and at [an] attorney for said department at a salary of one thousand five hundred dollars ($1,500) per annum. The duties of the assistant chief factory inspector and the deputy factory inspectors shall be the same as those now or hereafter imposed by laws upon the chief State factory inspector, the assistant chief factory inspector, and the deputy factory inspectors. Said chief State factory inspector, assistant chief factory inspector and deputy factory inspectors, shall visit and inspect at all reasonable hours, as often as practicable, the factories, mercantile establishments, mills and workshops, and commercial institutions in this State, where goods, wares or merchandise are manufactured, stored, purchased or sold, at wholesale or retail. And the chief State factory inspector shall report in writing to the Chief inspector. Assistant and deputies. Duties.

governor on the 15th day of December annually, the result of his inspections and investigations, together with such other information and recommendations as he may deem proper. And said inspectors shall make a special investigation into the conditions of labor in this State, or into any alleged abuses in connection therewith, whenever the governor shall direct, and report the results of the same to the governor. It shall be the duty of said inspectors to enforce the provisions of this act, and perform such other duties as now are or shall hereafter be prescribed by law, and to prosecute all violations of law relating to the inspection of factories, mercantile establishments, mills, workshops and commercial institutions in this State before any magistrate or any court of competent jurisdiction in this State. And it shall be the duty of the State's attorney of the proper county, upon request of the chief State factory inspector or his deputies, to prosecute any violation of law which it is made the duty of the factory inspectors to enforce. And it shall be the duty of the attorney for such department to prosecute, when required by the chief State factory inspector, any infractions or violations of law which is now or may be hereafter made the duty of the factory inspectors to enforce. Said chief State factory inspector shall, by written order filed with the governor, divide the State into inspection districts, due regard being had to the number of factories and the amount of work required to be performed in each district. And he shall assign to each district a deputy inspector, who shall have charge of the inspection in the district to which he is assigned, under the supervision of the chief State factory inspector. The chief State factory inspector may at any time, when in his discretion the good of the service requires, change a deputy inspector from one district to another, or reassign the districts of the State among the several deputy inspectors under his charge. He may at any time, when the conditions are changed or in his discretion the good of the service requires, by a like order filed with the governor, redivide the State into inspection districts, changing the territory embraced within the several districts, as to him may seem advisable.

Districts.

INDIANA.

ANNOTATED STATUTES OF 1894—REVISION OF 1901.

Regulation and inspection of bakeries, etc.

Sanitation.

SECTION 6725a. Every building, room, basement, or cellar occupied or used as a bakery or confectionery, canning, packing, pickling, or preserving establishment, or for the manufacture (for sale) of any food product shall be properly heated, lighted, drained, plumbed and ventilated and conducted with a strict regard to the health of the operatives and the purity and wholesomeness of the food articles produced.

Construction, etc., of workrooms.

SEC. 6725b. The floors, side walls, ceilings, fixtures, furniture and utensils of every establishment or place where food products are manufactured or stored, shall at all times be kept in a clean, healthful and sanitary condition.

The side walls and ceilings of every bake room or confectionery shall be well plastered, wainscoted or ceiled with metal or lumber. Plastered walls and ceilings shall be oil painted or kept well lime washed and all interior woodwork in every bakery or confectionery shall be kept well oiled or painted with oil paint and kept washed clean with soap and water. And every building, room, basement, or cellar occupied or used for the manufacture of any food products shall have, if deemed necessary by the chief inspector, an impermeable floor made of cement or tile laid in cement.

Inspection.

SEC. 6725c. The chief inspector or deputy inspector of the department of inspection or any health officer shall have the full power at all times to enter and inspect every building, room, basement, or cellar occupied or used as aforesaid, and if such inspection shall disclose a noncompliance with the purpose and provisions of this act the chief inspector shall require the execution of such lawful sanitary measures or alterations in or about such premises as will conform to the requirements of this act, and secure the production of the food products thereof in a clean and wholesome condition.

Basements, etc.

SEC. 6725d. Flour and meal shall be stored in dry and well ventilated rooms only, and no basement or cellar not now occupied or used as a bakery or confectionery shall hereafter be used as such except that the requirements of section 1 of this chapter [sec. 6725a] shall have been first fully complied with.

Sleeping places for workmen.

SEC. 6725e. The sleeping place or places for the persons employed in a bake shop shall be separate and apart from the bake room; and no person shall be allowed to sleep in a bake room or place where flour or meal or the products thereof are stored. * * *

Employment of diseased persons.

SEC. 6725f. No employer shall knowingly require, permit or suffer any person to work in a bakery or confectionery who is affected with consumption of the lungs, or with scrofula, or with any venereal disease or with any communicable skin disease. Cuspidors shall be provided by the owner or operator for each workroom of every bakery or confectionery, and no employee or other person shall expectorate on the floor or side walls of any bakery or confectionery or place where the manufacture of any food product is conducted.

Plain notices shall be posted in every place where food products of any kind are produced forbidding all persons expectorating on the floors of such establishment.

Screens.

SEC. 6725g. The door and window openings of every food producing establishment during fly season shall be fitted with self-closing wire screen doors and top outward-tipping wire window screens.

Wash rooms, etc.

SEC. 6725h. Every bakery and confectionery shall be provided with wash room and water-closet or closets but separate and apart from the bake room or rooms where the manufacture of any food product is conducted.

Penalty.

SEC. 6725i. Any person who violates any of the provisions of this act or refuses to comply with any lawful requirements, of the chief inspector, duly made in writing shall be guilty of a misdemeanor and on conviction shall be punished for the first offense by a fine not less than ten dollars ($10) or more than fifty dollars ($50), for the second offense by a fine of not less than fifty dollars ($50) or more than one hundred dollars ($100), and third offense not less than two hundred dollars ($200) or by imprisonment for not more than sixty days or both fine and imprisonment.

Act to be posted.

A copy of this act shall be conspicuously posted in each workroom of every establishment effected [affected] by the provisions of this act.

Factories and workshops—Inspection, etc.

Safety appliances for elevators, etc.

SEC. 7087e. It shall be the duty of the owner or lessee of any manufacturing or mercantile establishment, laundry, renovating works, bakery or printing office, where there is an elevator, hoisting shaft or wellhole, to cause the same to be properly and substantially inclosed or secured, if in the opinion of the chief inspector it is necessary, to protect the lives or limbs of those employed in such establishment. It shall also be the duty of the owner, agent or lessee of each of such establishments to provide, or cause to be provided, if in the opinion of the chief inspector, the safety of persons in or about the premises should require it, such proper trap or automatic doors so fastened in or at all elevator ways as to form a substantial surface when closed, and so constructed as to open and close by the action of the elevator in its passage, either ascending or descending, but the requirements of this section shall not apply to passenger elevators that are closed on all sides. The chief inspector shall inspect the cables, gearing or other apparatus of elevators in the establishments above enumerated and require that the same be kept in safe condition with proper safety-devices whereby the cabs or cars will be securely held in event of accident to the cable or rope or hoisting machinery, or from any similar cause.

Hand rails, etc., on stairways.

SEC. 7087f. Proper and substantial hand rails shall be provided on all stairways in all establishments above enumerated, and where, in the opinion of the chief inspector it is necessary, the steps of said stairs in all such establishments shall be substantially covered with rubber, securely fastened thereon, for the better safety of persons employed in said establishments. The stairs shall be properly screened at the sides

Doors to open outwardly.

and bottom. All doors leading in or to such establishments aforesaid shall be so constructed as to open outwardly where practicable, and shall be neither locked, bolted nor fastened during working hours.

Communication with engine room.

SEC. 7087g. In every manufacturing or other establishment, where the machinery used is propelled by steam, communication shall be provided between each room where such machinery is placed and the room where the engineer is stationed, by means of speaking tubes, electric bells or appliances that may control the motive power, or such other means as shall be satisfactory to the chief inspector: *Provided*, That in the opinion of the inspector such communication is necessary.

Accidents.

SEC. 7087h. It shall be the duty of the owner, agent, superintendent or other person having charge of any manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office within this State, or of any floor or part thereof, to report in writing to the chief inspector all accidents or injury done to any person in such premises within forty-eight hours of the time of the accident, stating as fully as possible the extent and cause of such injury, and the place where the injured person is sent, with such other information relative thereto as may be required by the chief inspector. The chief inspector is hereby authorized and empowered to fully investigate the causes of such accident, and to require such reasonable precautions to be taken as will, in his judgment, prevent the recurrence of similar accidents.

Guards, etc., for machinery.

SEC. 7087i. It shall be the duty of the owner of any aforesaid establishment, or his agent, superintendent or other person in charge of the same, to furnish and supply, or cause to be furnished and supplied therein, in the discretion of the chief inspector, where machinery is used, belt shifters or other safe mechanical contrivances for the purpose of throwing on or off belts or pulleys; and whenever possible, machinery therein shall pe provided with loose pulleys; all vats, pans, saws, planers, cogs, gearing, belting, shafting, set screws and machinery of every description therein shall be properly guarded, and no person shall remove or make ineffective any safeguard around or attached to any planer, saw, belting, shafting or other machinery, or around any vat or pan, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. By attaching thereto a notice to that effect, the use of any machinery may be prohibited by the chief inspector should such machinery be regarded as dangerous. Such notice must be signed by the chief inspector, and shall only be removed after the required safeguards are provided, and the unsafe or dangerous machine shall not be used in the meantime. Exhaust fans of sufficient power shall be provided for the purpose of carrying off dust from emery wheels and grindstones and dust-creating machinery from establishments where used. No person under sixteen years of age, and no female under eighteen years of age, shall be allowed to clean machinery while in motion.

Exhaust fans.

Cleaning machinery in motion.

The duty to provide guards is put upon the employer by the statute, and is not dependent on the request of the employee to have the machine guarded. 69 N. E. Rep. 1033.

Wash rooms, etc.

SEC. 7087j. A suitable and proper wash room and water-closets shall be provided by the owner, agent or lessee in each establishment above enumerated, and such water-closets shall be properly screened and ventilated and kept at all times in a clean condition, with not less than one seat for each twenty-five persons, and one seat for each fraction thereof above ten, employed in such establishment; and if women and girls are employed in any such establishment, the water-closets used by them shall have separate approaches and be separate and apart from those used by the men. All water-closets shall be kept free of obscene writing and marking. A dressing room shall be provided for women and girls, when required by the chief inspector, in any establishment aforesaid in which women and girls are employed; and the employer of such women and girls shall provide a suitable seat for the use of each female employee placed conveniently where she works, and shall permit the use of the same when she is not necessarily engaged in the active duties for which she is employed, and such seats shall be constructed or adjusted where practicable so as to be a fixture and not obstruct such female when actually engaged in the performance of such duties when such seat can not be used.

Seats for female employees.

Time for meals.

SEC. 7087k. Not less than sixty minutes shall be allowed for the noonday meal in any aforesaid establishment in this State. The chief inspector shall have the power to issue written permits in special cases, allowing shorter meal time at noon, and such permit must be conspicuously posted in the main entrance of the establishment, and such permit may be revoked at any time the chief inspector deems necessary, and shall only be given where good cause can be shown.

Walls to be limewashed, etc.

SEC. 7087l. The walls and ceilings of each room in every establishment aforesaid, shall be limewashed or painted, when in the opinion of the chief inspector it shall be conducive to the health or cleanliness of the persons working therein.

Inspection.

SEC. 7087m. The chief inspector, or other competent person designated for such purpose by the chief inspector, shall inspect any building used as aforesaid, or anything attached thereto, located therein, or connected therewith which has been represented to be unsafe or dangerous to life or limb. If it appears upon such inspection that the building or anything attached thereto, located therein, or connected therewith, is unsafe or dangerous to life or limb, the chief inspector shall order the same to be removed or rendered safe and secure, and if such notification be not complied with within a reasonable time, he shall prosecute whoever may be responsible for such delinquency.

Sweat shops.

SEC. 7087n. No room or rooms, apartment or apartments in any tenement or dwelling house shall be used for the manufacture of coats, vests, trousers, knee pants, overalls, cloaks, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers or cigars, for sale, excepting by the immediate members of the family living therein. No person, firm, or corporation shall hire or employ any person to work in any one room or rooms, apartment or apartments, in any tenement or dwelling house, or building in the rear of a tenement or dwelling house at making, in whole or in part, any vests, coats, trousers, knee pants, fur, fur trimmings, shirts, purses, feathers, artificial flowers or cigars, for sale, without obtaining first a written permit from the chief inspector, which permit may be revoked at any time the health of the community, or of those employed therein, may require it, and which permit shall not be granted until an inspection of such premises is made by the chief inspector or a deputy inspector, and the maximum number of persons allowed to be employed therein shall be stated in such permit. Such permit shall be framed and posted in a conspicuous place in the room, or in any one of the rooms to which it relates.

Air space.

SEC. 7087o. No less than two hundred and fifty cubic feet of air space shall be allowed for each person in any workroom where persons are employed during the hours between six o'clock in the morning and six o'clock in the evening, and not less than four hundred cubic feet of air space shall be provided for each person in any workroom where persons are employed between six o'clock in the evening and six o'clock in the morning. By a written permit the chief inspector may allow persons to be employed in a room where there are less than four hundred cubic feet, but not less than two hundred and fifty cubic feet of air space for each person employed between six o'clock in the evening and six o'clock in the morning: *Provided*, Such room is lighted by electricity at all times during such hours while persons are employed therein. There shall be sufficient means of ventilation provided in each workroom of every manufacturing or mercantile establishment, laundry, renovating works, bakery or printing office within this State, and the chief inspector shall notify the owner in writing to provide, or cause to be provided, ample and proper means of ventilation for such workroom, and shall prosecute such owner, agent or lessee if such notification be not complied with within twenty days of the service of such notice.

Ventilation.

Discrimination in employment.

SEC. 7087p. Proprietors, agents or managers of any manufacturing or mercantile establishment, mine or quarry, laundry, renovating works, bakery or printing office, are prohibited from discriminating against any person or persons, or class of labor seeking work, by posting notices or otherwise.

Notaries' fees.

SEC. 7087q. It shall be unlawful for notaries public and other officers to receive more than ten cents for the preparing and certifying to a "Certificate of parent or guardian," provided for in this act.

Definitions.

SEC. 7087r. The language used in this act shall be interpreted to have the following meaning: The word "person" means any individual, corporation, partnership, company or association. The word "child" means a person under the age of fourteen years. The words "young person" means [mean] a person of the age of fourteen years and under the age of eighteen years. The word "woman" means a female of the age of eighteen years and upwards. The words "manufacturing or mercantile establishment, mine, quarry, laundry, renovating works, bakery or printing office" means [mean] any mill, factory, workshop, store, place of trade, or other establishment where goods, wares or merchandise are manufactured or offered for sale, or any mine or quarry where coal and stone are mined and quarried for the market, and persons are employed for hire.

Inspectors to be appointed.

SEC. 7087s. For the purpose of carrying out the provisions of this act, a department of inspection is hereby created, and the governor shall by and with the advice and consent of the senate, appoint a chief inspector to have charge of said department. Said inspector shall hold and continue in office after the expiration of his term of office until his successor shall have been appointed and qualified.

Salaries, etc.

The term of office of the chief inspector shall be for four years. The annual salary of such chief inspector shall be one thousand eight hundred dollars ($1,800) and actual expenses when absent from home in the discharge of his official duties. Said chief inspector shall, by and with the consent of the governor, appoint a sufficient number of deputies to enforce the provisions of this act, not to exceed five (5) one of which shall be a chief deputy inspector, whose salary shall be one thousand five hundred dollars ($1,500) per annum and actual expenses when absent from home in the discharge of his official duties. The salaries of such other deputies as may be appointed shall be one thousand dollars ($1,000) each per annum and actual expenses when absent from home in the discharge of their official duties. But said actual expenses for the department of inspection shall in no year exceed the sum of three thousand dollars ($3,000), and the duties of the deputy inspectors shall be such as shall be assigned them by the chief inspector. Said chief inspector shall also employ a stenographer at a salary not to exceed six hundred dollars ($600) per annum. The salary and actual expenses of said deputy inspectors and stenographer shall be paid monthly as due, on voucher duly attested before some officer authorized to administer oaths, and approved and signed by the chief inspector, and the salary and actual expenses of the chief inspector shall be paid in monthly installments, out of the treasury of the State, upon warrants of the auditor of state, and the total annual appropriations of ten thousand nine hundred dollars ($10,900) for such payments aforesaid, is hereby made out of any moneys in the State treasury not otherwise appropriated: *Provided*, That the auditor of state shall issue no warrant, except upon itemized bills, sworn to, and presented by the chief inspector provided for in this act.

Record, reports, etc.

SEC. 7087u. The chief inspector shall keep a record of all inspections and examinations made by his department, and copies of all notices and orders made by him, and, at the close of his term of office, transfer the books containing the same to his successor. He shall make an annual report of his doings as such inspector to the governor at the close of each fiscal year, and cause the same to be printed, at the expense of the State, not later than the first day of January next ensuing, in such numbers as the governor may approve. Such inspector and deputy inspectors shall have power as notaries public to administer oaths and take affidavits in matters connected with the enforcement of the provisions of this act.

Duties.

SEC. 7087v. It shall be the duty of the chief inspector to cause this act to be enforced, and to cause all violators of the same to be prosecuted, and for that purpose he is empowered to visit and inspect at all reasonable hours, and as often as shall be practicable and necessary, all manufacturing or other establishments to which this bill relates. It shall be the duty of the chief inspector to examine into all violations of laws made for the benefit or protection of labor and to prosecute all violations thereof. It shall be unlawful for any person to interfere with, obstruct or hinder said chief inspector or deputy inspect-

ors while in the performance of his or their duties, or to refuse to properly answer questions asked by him or them with reference to any of the provisions hereof.

Furnishing blanks, etc.

SEC. 7087w. It shall be the duty of the chief inspector to supply all blanks necessary to make reports to his office, as required in this act, and be furnished [to furnish] copies of this act, which shall be conspicuously posted or hung, and kept posted or hung, in each workroom of every manufacturing or other establishment to which it relates, in the State, by the proprietor or occupant thereof.

Prosecuting attorney.

SEC. 7087x. The prosecuting attorney of any county of this State is hereby required upon request of the chief inspector, or of any other person of full age, to commence and prosecute to a termination before any court of competent jurisdiction, in the name of the State, actions or proceedings against any person or persons reported to him to have violated the provisions of this act.

Violations.

SEC. 7087y. Any person who violates or omits to comply with any of the provisions of this act, or who refuses to comply with the orders of the chief inspector, properly made under the provisions of this act, or who suffers or permits any young person or child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not more than fifty dollars for the first offense, and not more than one hundred dollars for the second offense, to which may be added imprisonment for not more than ten days, and for the third offense a fine of not less than two hundred and fifty dollars and not more than thirty days' imprisonment in the county jail.

Penalty.

Appeals.

SEC. 7087z. Any person, company, corporation or association aggrieved by any order of the chief inspector may appeal to the circuit court in the county where the person, firm or corporation owns, leases or occupies the factory or buildings in relation to which said order relates, within ten days after notice of such order shall have been given. Said appeal shall operate as a supersedeas, shall be made in writing, and contain a brief statement of the facts and reasons for such appeal and a citation for the chief inspector to appear before said court, and said court or any judge thereof may direct the time of appearance and manner of service. Said court may review the doings of the chief inspector, may examine the question in issue, and may confirm, change or set aside the doings of the chief inspector, in this particular case, and may make such orders in the premises, including orders as to costs. as it may find to be proper and equitable.

Counsel, fees, etc.

SEC. 7087a1. In case of an appeal from any order of the chief inspector the prosecuting attorney of the circuit court shall appear as counsel for the State to sustain and defend such orders, and in case such order be sustained on such appeal, a fee of twenty-five dollars shall be taxed against the appellant as the prosecuting attorney's fee, which fee shall be taxed as costs in the case.

ACTS OF 1903.

CHAPTER 222.—*Fire escapes on factories, etc.*

Factories, etc., more than two stories in height.

SECTION 1. * * * Every building in which persons are employed above the second story in a factory, workshop or mercantile or other establishment, * * * and every factory, workshop, mercantile or other establishment of more than two stories in height shall be provided with proper ways of egress or means of escape from fire, sufficient for the use of all persons accommodated, assembled, employed, lodged or residing in such building, and such ways of egress and means of escape shall be kept free from obstruction, in good repair and ready for use at all times, and all rooms above the second story in such building shall be provided with more than one way of egress or escape from fire, placed as near as practicable at opposite ends of the room and leading to fire escapes on the outside of such buildings or to stairways on the inside, provided with proper railings. All external doors subject to the provisions of this section shall open outward, and all windows open outward or upward. * * * The certificate of the chief inspector of

the department of inspection of the State shall be prima facie evidence of a compliance with such requirements.

Outside fire escapes.

SEC. 2. In addition to the foregoing means of escape from fire, all such buildings as are enumerated in section 1 of this act, as are more than two stories in height, shall have one or more fire escapes on the outside of said buildings, as may be directed by the chief inspector aforesaid, except in such cases as the said chief inspector may deem such fire escapes to be unnecessary in consequence of adequate provision having been already made for safety in event of fire, and in such cases of exemption the said chief inspector shall give the owner, lessee or occupant of said building a written certificate to that effect and his reason therefor, and such fire escapes as are provided for in this section shall be constructed according to specifications issued or approved by the department of inspection and shall be connected with each floor above the first, well fastened and secured, and of sufficient strength; each of which fire escapes shall have landings or balconies guarded by iron railings not less than three feet in height, and embracing one or more windows at each story, and connecting with the interior by easily accessible and unobstructed openings; and the balconies or landings shall be connected by iron stairs, placed at a slant of not more than forty-five degrees, protected by a well secured hand rail on both sides, with a twelve-inch wide drop ladder from the lower platform, reaching to the ground, except in cases of school buildings, iron stairs shall extend to a ground landing, and no telegraph, telephone, electric light poles or wires, signs or other obstructions shall interfere with the construction and use of any fire escape.

Duty of inspector.

SEC. 3. Any other plan or style of fire escape shall be sufficient if approved by the chief inspector, but if not so approved the chief inspector may notify the owner, proprietor or lessee of such establishment or of the building in which such establishment is conducted, or the agent or superintendent, or school officer, or either of them, in writing, that any such plan or style of fire escape is not sufficient, and may, by an order in writing, served in like manner, require one or more fire escapes, as he shall deem necessary and sufficient, to be provided for such establishment at such location and [of] such plan and style as shall be specified in such written order. Within twenty days after the service of such order the number of fire escapes required in such order for such establishment shall be provided therefor, each of which shall be of the plan and style in accordance with the specifications in said order required. The windows or doors to each fire escape shall be of sufficient size and be located, as far as possible, consistent with accessibility from the stairways and elevator hatchways or openings, and the ladder thereof shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of such establishment from the upper story to the roof, as a means of escape in case of fire.

Violations.

SEC. 6. The owner or owners of any building designated in this act, whether individual, firm or corporation, or the lessee or occupant thereof, or any school officer having charge of public property, who neglects or refuses to comply with any of the provisions of this act, shall be fined not exceeding two hundred dollars, and be deemed guilty of a misdemeanor punishable by imprisonment for not less than one month nor more than two months; and in case of fire occurring in said building or buildings in the absence of such fire escape or escapes, the said person or persons, or corporation or public officials shall be liable in an action for damages with a penalty of five thousand dollars for the life of each person killed, in case of death, or for damages for personal injuries sustained in consequence of such fire breaking out in said building, and shall also be deemed guilty of a misdemeanor punishable by imprisonment for not less than six months nor more than twelve months in the county jail; and such action for damages may be maintained by any person now authorized by law to sue as in other cases of similar injuries: *Provided*, That nothing in this act shall interfere with fire escapes now in use approved by the chief inspector.

Enforcement.

SEC. 7. The chief inspector of the department of inspection of the State is hereby charged with the enforcement of this act, and shall see that its provisions are observed and enforced, and for this purpose he

or his deputies shall have free access at all reasonable hours to all buildings embraced herein, and the prosecuting attorney in each county of the State shall render all necessary legal assistance as may be required by said chief inspector in enforcing this act.

CHAPTER 246.—*Inspection of steam boilers.*

Equipment.

SECTION 1. It shall be the duty of every person, firm or corporation owning or using or causing to be used any steam boiler for generating steam to be applied to machinery in all industrial institutions subject to inspection by the department of inspection, shall [sic] provide them with a full complement of gauge cocks, some visible means of indicating the water level, one steam gauge, one fusible plug properly inserted, one safety valve, all to be kept in good working order (the area of said valve, if known as a pop valve, shall be in the ratio of one square inch of area to three square feet of grate surface), a lever and ball safety valve in the ratio of one square inch of area to two square feet of grate surface: *Provided*, That fusible plugs shall be required only in boilers having crown sheets.

Inspection.

SEC. 2. The owner, agent, manager, or lessee of any boiler or boilers described in section 1 of this act, of 10 or more horsepower, shall cause such boiler or boilers to be inspected, internally, once in six months by a practical boiler maker of not less than five years' experience; or a practical steam engineer who has had not less than ten years' experience with steam boilers carrying not less than seventy (70) pounds pressure per square inch; or by a boiler inspector of any company doing business under the laws of the State, who shall furnish to the owner, agent, or lessee of such boiler a certificate of inspection stating the kind and showing the condition of said boiler, the connections, and maximum pressure to be carried by said boiler; such certificate to be retained in the office of said establishment and to be shown to the chief inspector of the department of inspection or his deputy when required.

Steam gauges, etc.

SEC. 3. Every boiler house in which a boiler, or nest, or battery of boilers is placed shall be provided with a steam gauge or gauges, properly connected with the boilers, and where the engine is in a separate room, or more than forty feet distant from the gauge or nearest boiler, shall have another gauge attached to the steam pipe, so the engineer can readily ascertain the pressure carried. The safety valves of steam boilers subject to inspection under this act shall be loaded to sustain only the maximum pressure allowed by said certificate of inspection.

Enforcement.

SEC. 4. The prosecuting attorney of any county of this State is hereby required upon request of the chief inspector of the department of inspection, his deputy or any other person of full age, to commence and prosecute to a termination before any court of competent jurisdiction, in the name of the State, actions or proceedings against any person, firm, or corporation reported to him to have violated the provisions of this act.

Penalty.

SEC. 5. It shall be unlawful for any person, firm or corporation to knowingly operate any aforesaid boilers except as provided for in this act, and for the violation of section 1 or 3 a fine of not less than ten dollars ($10) nor more than twenty-five dollars ($25) shall be assessed for each offense. Each day such violation or violations continue shall constitute a separate offense. Any person, firm or corporation knowingly failing to comply with section 2 of this act, or any order issued by the department of inspection in accordance therewith, shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100).

IOWA.

CODE OF 1897 AND SUPPLEMENT OF 1902.

Bureau of labor statistics.

Commissioner.

SECTION 2469 (as amended by chapter 102, Acts of 1906). The bureau of labor statistics shall be under the control of a commissioner, biennially appointed by the governor by and with the advice and consent

of the executive council, whose term of office shall commence on the first day of April in each odd-numbered year and continue for two years, and until his successor is appointed and qualified. He may be removed for cause by the governor, with the advice of the executive council, record thereof being made in his office; any vacancy shall be filled in the same manner as the original appointment. He shall give bonds in the sum of two thousand dollars with sureties to be approved by the governor, conditioned for the faithful discharge of the duties of his office, and take the oath prescribed by law. He shall have an office in the capitol, safely keep all records, papers, documents, correspondence, and other property pertaining to or coming into his hands by virtue of his office, and deliver the same to his successor, except as hereinafter provided. * * *

Duties.

SEC. 2470 (as amended by chapter 102, Acts of 1906). The duties of said commissioner shall be to collect, assort, systematize and present in biennial reports to the governor statistical details relating to all departments of labor in the State, especially in its relations to the commercial, social, educational and sanitary conditions of the laboring classes, the means of escape from, and the protection of life and health in factories, the employment of children, the number of hours of labor exacted from them and from women, and to the permanent prosperity of the mechanical, manufacturing and productive industries of the State; and he shall, as fully as practicable, collect such information and reliable reports from each county in the State, the amount and condition of the mechanical and manufacturing interests, the value and location of the various manufacturing and coal productions of the State, * * *. and in said biennial report he shall give a statement of the business of the bureau since the last regular report, and shall compile and publish therein such information as may be considered of value to the industrial interests of the State, the number of laborers and mechanics employed, the number of apprentices in each trade, with the nativity of such laborers, mechanics' and apprentices' wages earned, the savings from the same, with age and sex of laborers employed, the number and character of accidents, the sanitary condition of institutions where labor is employed, the restrictions, if any, which are put upon apprentices when indentured, the proportion of married laborers and mechanics who live in rented houses, with the average annual rental, and the value of property owned by laborers and mechanics; and he shall include in such report what progress has been made with schools now in operation for the instruction of students in the mechanic arts, and what systems have been found most practical, with details thereof. Such report shall not contain more than six hundred printed pages, and shall be of the number, and distributed in the manner, provided by law. He shall make a report to the governor during the year 1906, and biennially thereafter. * * *

Witnesses.

SEC. 2471. The commissioner of the bureau of labor statistics shall have the power to issue subpœnas, administer oaths and take testimony in all matters relating to the duties herein required by said bureau, said testimony to be taken in some suitable place in the vicinity to which testimony is applicable. Witnesses subpœnaed and testifying before the commissioner of the bureau shall be paid the same fees as witnesses before a justice's court, such payment to be made out of the general funds of the State on voucher by the commissioner, but such expense for witnesses shall not exceed one hundred dollars annually. Any person duly subpœnaed under the provisions of this section, who shall willfully neglect or refuse to attend or testify at the time and place named in the subpœna, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding fifty dollars and costs of prosecution, or by imprisonment in the county jail not exceeding thirty days: *Provided, however,* That no witness shall be compelled to go outside the county in which he resides to testify.

May enter premises.

SEC. 2472. The commissioner of the bureau of labor statistics shall have the power, upon the complaint of two or more persons, or upon his failure to otherwise obtain information in accordance with the provisions of this chapter, to enter any factory or mill, workshop, mine, store, business house, public or private work, when the same is open or

in operation, upon a request being made in writing, for the purpose of gathering facts and statistics such as are contemplated by this chapter, and to examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof. If the commissioner shall learn of any violation of, or neglect to comply with the law in respect to the employment of children, or in respect to fire escapes, or the safety of employees, or for the preservation of health, he shall give written notice to the owner or person in charge of such factory or building, of such offense or neglect, and if the same is not remedied within sixty days after service of such notice, such officer shall give the county attorney of the county in which such factory or building is situated, written notice of the facts, whereupon that officer shall immediately institute the proper proceedings against the person guilty of such offense or neglect. And any owner or occupant of such factory or mill, workshop, mine, store, business house, public or private work, or any agent or employee of such owner or occupant, who shall refuse to allow any officer or employee of said bureau to so enter, or who shall hinder him, or in any way deter him from collecting information, shall be deemed guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not exceeding one hundred dollars and costs of prosecution, or by imprisonment in the county jail not exceeding thirty days.

Inspection.

Notice.

Hindering employees of bureau.

Penalty.

SEC. 2473. The expressions "factory," "mill," "workshop," "mine," "store," "business house," and "public or private work," as used in this chapter, shall be construed to mean any factory, mill, workshop, mine, store, business house, public or private work, where five or more wage-earners are employed for a certain stipulated compensation.

Definitions.

SEC. 2474. It shall be the duty of every owner, operator or manager of every factory, mill, workshop, mine, store, business house, public or private work, or any other establishment where labor is employed as herein provided, to make to the bureau, upon blanks furnished by said bureau, such reports and returns as said bureau may require for the purpose of compiling such labor statistics as are contemplated in this chapter; and the owner, operator or business manager shall make such reports or returns within sixty days from the receipt of blanks furnished by the commissioner, and shall certify under oath to the correctness of the same. Any owner, operator or manager of such factory, mill, workshop, mine, store, business house, public or private work, as herein stated, who shall neglect or refuse to furnish to the commissioner of labor such reports or returns as may be required by the following blank, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars and cost of prosecution, or imprisoned in the county jail not exceeding thirty days.

Reports to bureau.

BLANK.

Name of firm or corporation?..... Number of hands employed during year ending December thirty-first?..... Males?..... Females?..... Apprentices?..... Total amount of wages paid during the year ending December thirty-first? $.... Total amount of wages paid previous year? $.... Any general increase or reduction of wages during the past year? If so, what per cent of increase or reduction? ..... Cause of increase or reduction?..... Any increase or decrease of business during past year?.... What means are provided for the escape of employees in case of fire?..... What measures are taken to prevent accidents to employees from machinery? ..... How are buildings ventilated?..... Are separate water-closets and wash rooms provided for the different sexes?..... Number of weeks during past year business was run on full time with full force?..... Number of weeks during past year business was run on short time or with reduced force?..... Number of weeks during past year business was suspended?..... Number of strikes during year ending December thirty-first?..... Number involved?..... Alleged cause?..... Result?..... How many days did strike continue, and what was loss of wages in consequence thereof?..... Was any property destroyed, and, if so, its value?.....

Information confidential.

SEC. 2475. In the reports of the commissioner no use shall be made of names of individuals, firms or corporations supplying the information called for by sections twenty-four hundred and seventy and twenty-four hundred and seventy-one of this chapter, such information being deemed confidential and not for the purpose of disclosing personal affairs; and any officer or employee of the bureau of labor statistics violating this provision shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in a sum not exceeding five hundred dollars and costs of prosecution, or by imprisonment in the county jail not exceeding one year.

Factories and workshops—Inspection, etc.

Water-closets.

SECTION 4999a. Every manufacturing establishment, workshop or hotel in which five or more persons are employed, shall be provided with a sufficient number of water-closets, earth closets or privies for the reasonable use of the persons employed therein, which shall be properly screened and ventilated and kept at all times in a clean condition; and if women or girls are employed in such establishment, the water-closets, earth closets or privies used by them shall have separate approaches and be separate and apart from those used by the men.

Safety appliances.

SEC. 4999b. It shall be the duty of the owner, agent, superintendent or other person having charge of any manufacturing or other establishment where machinery is used, to furnish and supply or cause to be furnished and supplied therein, belt shifters or other safe mechanical contrivances for the purpose of throwing belts on and off pulleys, and, wherever possible, machinery therein shall be provided with loose pulleys; all saws, planers, cogs, gearing, belting, shafting, set-screws and machinery of every description therein shall be properly guarded. No persons under sixteen years of age, and no female under eighteen years of age shall be permitted or directed to clean machinery while in motion. Children under sixteen years of age shall not be permitted to operate or assist in operating dangerous machinery of any kind.

Cleaning machinery in motion.

Employment of children.

Blowers for polishing machines, etc.

SEC. 4999c. All persons, companies or corporations operating any factory or workshop where emery wheels or emery belts of any description, or tumbling barrels used for rumbling or polishing castings, are used, shall provide the same with blowers and pipes of sufficient capacity, placed in such manner as to protect the person or persons using same from the particles of dust produced or caused thereby, and to carry away said particles of dust arising from or thrown off such wheels, belts or tumbling barrels while in operation, directly to the outside of the building, or to some receptacle place[d] so as to receive or confine such particles or dust: *Provided, however*, That grinding machines upon which water is used at the point of grinding contact, and small emery wheels which are used temporarily for tool grinding, are not included within the provisions of this section, and the shops employing not more than one man at such work may, in the discretion of the commissioner of the bureau of labor of the State, be exempt from the provisions hereof.

Enforcement.

SEC. 4999d. It shall be the duty of the commissioner of the bureau of labor of the State, and the mayor, and chief of police of every city or town, to enforce the provisions of the foregoing sections. Any person, whether acting for himself or for another or for a copartnership, joint stock company or corporation, having charge or management of any manufacturing establishment, workshop or hotel, who shall fail to comply with the provisions of said sections, within ninety days after being notified in writing to do so, by any one of said officers whose duty it may be to enforce the provisions of said sections, shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail not exceeding thirty days.

Penalty.

Use of explosive fluids, etc.

SEC. 4999k. It shall be unlawful for any person to establish or operate any dye works, pantorium or cleaning works, in which gasoline, benzine, naphtha, or other explosive or dangerous fluids are used for the purpose of cleaning or renovating wearing apparel or other fabrics, in any building any part of which is used as a residence or lodging house.

Penalty.

SEC. 4999l. Any person convicted of violating the provisions of the foregoing section shall be fined in a sum not exceeding fifty ($50) nor less than ten ($10) dollars.

Inspection, etc., of steam boilers.

SECTION 5026. Any person owning or operating steam boilers in this State shall provide the same with steam gauge, safety valve and water gauge, and keep the same in good order. Any person neglecting so to do shall be fined not less than fifty nor more than five hundred dollars. Steam gauges, etc., to be provided. Penalty.

ACTS OF 1904.

CHAPTER 136.—*Fire escapes on factories, etc.*

SECTION 1. The owners, proprietors and lessees of all buildings, structures or enclosures of three or more stories in height, now constructed or hereafter to be erected, shall provide for and equip said buildings and structures with such protection against fire and means of escape from such buildings as shall hereafter be set forth in this bill. Fire escapes to be erected.

SEC. 2. The buildings, structures and enclosures contemplated in this act shall be classified as follows: On what buildings.

* * * * *

Fifth. Manufactories, warehouses and buildings of all character[s] of three or more stories in height, not specified in the foregoing sections.

SEC. 3. Each twenty-five hundred (2,500) superficial feet of area, or fractional part thereof, covered by buildings or structures specified under classification one, of section 2, of this act, shall be provided with one ladder fire escape of steel or wrought iron construction, attached to the outer wall thereof, and provided with platforms of steel or wrought iron construction of such size and dimensions and such proximity to one or more windows of each story above the first with all doors leading thereto of half glass locked in such manner as to render access to such ladder from each story easy and safe, and with red lights to designate location of escapes said ladder to start about five feet from the ground and extend above the roof, or a drop ladder may be hung at the second story in such a manner that it can be easily lowered in case of necessity: *Provided, however,* That where such buildings shall be occupied by more than twenty (20) persons, the said building shall as a substitute for one ladder be provided with one stairway of steel or wrought iron construction with above described platforms, accessible from each story with a drop or counterbalance stairway from the second story balcony to the ground, or a stationary stairway may be carried down to within five feet from the ground. * * * Each five thousand (5,000) superficial feet of area, or fractional part thereof covered by buildings under classification 6, [5] section 2 of this act, shall be provided with at least one above described ladder, and platforms at each story, if not more than twenty (20) persons be employed in the same. If more than twenty (20) persons be employed, then there shall be at least two of the above described ladders, and platforms attached, or one such stairway, and platforms of sufficient size at each story, and if more than forty (40) persons be employed in said building, then there shall be at least two, or such number of the above described outside stairways as the chief of fire department, or the mayor of any city or town where no such chief of fire department exists, may from time to time determine. * * * Number, construction, etc.

SEC. 4. In buildings under all above classification[s] signs indicating location of fire escapes shall be posted at all entrances to elevators, stairway landings and in all rooms. Signs.

SEC. 5. It is hereby made the duty of commissioner of the bureau of labor statistics, the chief of fire department, or the mayor of each city or town where no such chief of fire department exists, or the chairman of the board of supervisors, in case such building is not within the corporate limits of any city or town, to adopt uniform specifications for fire escapes hereinbefore provided, and keep such specifications on file in their respective offices, and to serve or cause to be served a written notice in behalf of the State of Iowa upon the owner or owners, or their agents or lessees, of buildings within this State not provided with fire escapes in accordance with the provisions of this act, commanding such owner, owners, or agents or either of them, to place or cause to be placed upon said buildings, such fire escape or fire escapes Enforcement.

as are provided in this act within sixty days after service of such notice, pursuant to the specifications established. Any such owner, owners' agents, trustees and lessees or either or any of them so served with notice as aforesaid, who shall not within sixty days after the service of said notice upon him or them, place or cause to be placed such fire escape or fire escapes upon such buildings as required by this act and the terms of said notice, shall be subject to a fine not less than fifty ($50) dollars, and not more than one hundred ($100) dollars, and shall be subject to a further fine of twenty-five ($25) dollars for each additional week of neglect to comply with such notice.

Inspection.

SEC. 6. All fire escapes erected under the provisions of this act shall be subject to inspection and approval or rejection in writing, by the person named in section 4 of this act who has caused such written notice to be served.

KANSAS.

GENERAL STATUTES OF 1901.

Commissioner of labor statistics—Inspection of factories.

Duties of commissioner.

SECTION 6647. It shall be the duty of the commissioner to collect, assort, arrange and present in annual reports to the governor, to be by him biennially transmitted to the legislature, statistical details relating to all departments of labor and industrial pursuits in the State; to the subjects of cooperation, strikes, and other labor difficulties; to trade unions and other labor organizations and their effect upon labor and capital; to other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions prevailing within the State; and the exploitation of such other subjects as will tend to promote the permanent prosperity of the respective industries of the State. It shall also be the duty of the commissioner of the bureau to cause to be enforced all laws regulating the employment of children, minors, and women; all laws established for the protection of health, lives and limbs of operators in workshops and factories, on railroads, and other places; and all laws enacted for the protection of the working classes now in force or that may hereafter be enacted. In its annual report the bureau shall also give an account of all proceedings which have been taken in accordance with the provisions of this act, or any of the other laws herein referred to, and in addition thereto such remarks, suggestions and recommendations as the commissioner may deem necessary for the information of the legislature.

Inspection of factories, etc.

SEC. 6649. The commissioner, as State factory inspector, shall have power to enter any factory or mill, workshop, private works or State institutions which have shops or factories, when the same are open or in operation, for the purpose of gathering facts and statistics such as are contemplated by this act, and to examine into the methods of protection from danger to employees and the sanitary conditions in and around such buildings and places, and to make a record thereof of such inspection. If the commissioner as State factory inspector shall find upon such inspection that the heating, lighting, ventilation or sanitary arrangement of any workshops or factories is such as to be injurious to the health of the persons employed or residing therein, or that the means of egress in case of fire or other disaster are not sufficient, or that the belting, shafting, gearing, elevators, drums, saws, cogs and machinery in such workshops and factories are located or are in a condition so as to be dangerous to employees, and not sufficiently guarded, or that the vats, pans, or any other structures, filled with molten metal or hot liquid, are not surrounded with proper safeguards for preventing accidents or injury to those employed at or near them, he shall notify in writing the owner, proprietor or agent of such workshops or factories to make, within thirty days, the alterations or additions by him deemed necessary for the safety and protection of the employees; and if such alterations or additions are not made within thirty days from the date of such written notice, or within such time as said alterations or additions can be made with proper diligence upon the part of such proprietors, owners, or agents, said proprietors, owners or agents so notified shall be deemed guilty of a misdemeanor,

and upon complaint of the commissioner as State factory inspector before a court of competent jurisdiction, and upon conviction thereof shall be fined in a sum not less than twenty-five dollars nor more than two hundred dollars, or by imprisonment not more than ninety days, or by both such fine and imprisonment.

Definitions.

SEC. 6650. The following expressions used in this act shall have the following meanings: The expression "person" means an individual, corporation, partnership, company, or association. The expression "children" means minor persons under the age of fourteen years. The expression "minor" means a male person under the age of twenty-one years, or a female person under the age of eighteen years. The expression "woman" means female persons of eighteen years of age and upward. The expression "factory" means any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on. The expression "workshop" means any premises, room, or place, not being a factory as above defined, wherein any manual labor is exercised by way of trade, or for the purpose of gain in or incidental to any process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, room or place the employer of the person or persons working therein has the right of access or control: *Provided, however*, That the exercise of such manual labor in a private house, or a private room by the family dwelling therein, or by any of them, or in case a majority of persons therein employed are members of such family, shall not of itself constitute such house or room a workshop within this definition. The aforesaid expressions shall have the meaning above defined for them respectively in all laws of this State relating to the employment of labor, unless a different meaning is plainly required by the context.

ACTS OF 1903.

CHAPTER 310.—*Inspection of factories, etc.—Fire escapes.*

Fire escapes required, when.

SECTION 1. Every building now or hereafter used, in whole or in part, as a public building, * * * three or more stories in height, shall, within six months after the passage of this act, be provided with one or more metallic ladders or stair fire escapes attached to the outer walls thereof, and extending from or suitably near the ground to the uppermost story thereof, with platforms of such forms and dimensions, and in such proximity to one or more windows of each story above the first as to render access to such ladders or stairs from each such story easy and safe; the number, location, material and construction of such escapes to be subject to the approval of the fire marshal, chief of the fire department, city or town marshal, or such other authority as may have the control of fire regulations in any city or town where such buildings are located: *Provided, however*, That all buildings more than two stories in height, used for manufacturing purposes, * * * shall have at least one such fire escape for every thirty persons for which working, * * * accommodations are provided above the second stories of said buildings; * * *

Factories.

CHAPTER 356.—*Inspection of factories, etc.—Fire escapes—Safety appliances.*

Elevator shafts.

SECTION 1. Every person owning or operating any manufacturing establishment which may contain any elevator, hoisting shaft or well-hole shall cause the same to be properly and substantially inclosed or secured, in order to protect the lives or limbs of those employed in such establishment.

Stairways.

SEC. 2. Proper and substantial hand rails shall be provided in all stairways in manufacturing establishments. The stairs shall be properly secured at the sides and ends, and all doors leading into such establishments shall be so constructed as to open outwardly, and shall be neither locked, bolted nor fastened during working hours.

Fire escapes.

SEC. 3. In all manufacturing establishments three or more stories high, at least one fire escape, and as many more as may be reasonably

necessary, shall be provided on the outside of said establishment, connecting with each floor above the first, well fastened and secured, and of sufficient strength. Each of said fire escapes shall have landings or balconies not less than six feet in length and three feet in width, guarded by iron railings not less than three feet in height, and embracing at least two windows at each story, and connecting with the interior by easily accessible and unobstructed openings, and the balconies or landings shall be connected by iron stairs not less than eighteen inches wide, the steps not to be less than six inches tread, placed at a proper slant, and protected by a well-secured hand rail on each side, with twelve-inch drop ladder from the lower platform reaching to the ground.

Belt shifters, guards, etc.

SEC. 4. Every person owning or operating any manufacturing establishment in which machinery is used shall furnish and supply for use therein belt shifters, or other safe mechanical contrivance, for the purpose of throwing on or off belts or pulleys; and wherever it is practicable machinery shall be operated with loose pulleys. All vats, pans, saws, planers, cog gearing, belting, shafting, set screws and machinery of every description used in a manufacturing establishment shall, where practicable, be properly and safely guarded, for the purpose of preventing or avoiding the death of or injury to the persons employed or laboring in any such establishment; and it is hereby made the duty of all persons owning or operating manufacturing establishments to provide and keep the same furnished with safeguards as herein specified.

Action for injuries.

SEC. 5. If any person employed or laboring in any manufacturing establishment shall be killed or injured in any case wherein the absence of any of the safeguards or precautions required by the act shall directly contribute to such death or injury, the personal representatives of the person so killed, or the person himself, in case of injury only, may maintain an action against the person owning or operating such manufacturing establishment for the recovery of all proper damages. In cases where the action is brought by the personal representative of the deceased, said action shall be governed in all respects not herein provided for by the provisions of the statutes now in force which authorize and regulate the bringing of actions to recover damages in cases where the death of one is caused by the wrongful act or omission of another: *Provided*, Action shall be commenced in the county where the accident occurred.

Failure to provide appliances.

SEC. 6. In all actions brought under and by virtue of the provisions of this act, it shall be sufficient for the plaintiff to prove in the first instance, in order to establish the liability of the defendant, that the death or injury complained of resulted in consequence of the failure of the person owning or operating the manufacturing establishment where such death or injury occurred to provide said establishment with safeguards as required by this act, or that the failure to provide such safeguard directly contributed to such death or injury.

Definition.

SEC. 7. Manufacturing establishments, as those words are used in this act, shall mean and include all smelters, oil refineries, cement works, mills of every kind, machine and repair shops, and, in addition to the foregoing, any other kind or character of manufacturing establishment, of any nature or description whatsoever, wherein any natural products or other articles or materials of any kind, in a raw or unfinished or incomplete state or condition, are converted into a new or improved or different form.

Person defined.

SEC. 8. Wherever the expression occurs in this act in substantially the following words: "Every person owning or operating any manufacturing establishment," or where language similar to that is used, the word "person" in that connection shall be held and construed to mean any person or persons, partnership, corporation, receiver, trust, trustee, or any other person or combination of persons, either natural or artificial, by whatever name he or they may be called.

KENTUCKY.

STATUTES OF 1903.

Bureau of agriculture, labor, and statistics—Labor inspector.

Labor inspector.

SECTION 33 a. 1. In the bureau of agriculture, labor and statistics there shall be appointed by the commissioner, with the approval of the governor, a labor inspector, and one assistant labor inspector, who shall be men having practical knowledge of factories, machine or work shops, and who shall be under the supervision of the commissioner.

Duties.

2. It shall be the duty of the labor inspector to visit and inspect the various factories, machine and work shops in this State, and under the direction of the commissioner to report to the Commonwealth's attorney and county attorney of the county or district, where such factory, machine or work shop is located, any violation or infraction of laws enacted for the protection of women, children and other persons laboring in such places.

Access to factories, etc.

3. It shall be the duty of every owner, manager and agent of any factory, machine or work shop where laborers are employed, to admit the labor inspectors during reasonable hours and while the same is open, for the purpose of making an inspection of same, and any person who shall refuse to admit such inspectors in violation of the provisions of this section shall be fined not to exceed one hundred dollars, or to be imprisoned in jail not more than six months, or both be so fined and imprisoned in the discretion of the jury.

Collection of statistics.

4. It shall further be the duty of the labor inspector to collect statistics concerning labor wherever and however employed in this State, and report the same to the commissioner at such times as he may direct. It shall be the duty of the owner, officers, manager, or agent, of any factory, machine or work shop where laborers are employed, to furnish upon demand of the labor inspectors statistical information concerning the number and sex of laborers employed, the compensation of each, the amount and kind of labor performed by such laborers, and such other reasonable information as may be required by the commissioner: *Provided*, That no person shall be required to furnish the labor inspectors information concerning the private conduct or condition of his affairs, or the affairs of the firm or concern he represents, touching matters not contemplated in the provisions of this act: *And provided, further*, That no labor inspector for the purpose of gathering statistics, shall interfere or detain from work any laborer while on duty during working hours.

Provisos.

Report on labor.

5. The commissioner shall make a separate report biennially to the legislature on or before the second Monday in January, on the subject of labor, and include such recommendations as may be deemed proper, together with an account of the work done by the labor inspectors, and the expenses incurred in by them. The number of copies of such reports shall not be less than one thousand nor more than three thousand, in the discretion of the commissioner.

Interference with strikes, etc.

7. Neither the labor inspector nor assistant labor inspector shall take any part, interfere, or become involved in any strike or similar labor difficulty, other than the performance of his duty as prescribed by law, upon penalty of forfeiting his office.

Salaries.

8. The labor inspector and assistant labor inspector shall receive annual salaries of twelve hundred dollars and one thousand dollars, respectively, and their actual necessary traveling expenses while in the performance of their duties to be paid out of the fund appropriated for the bureau. Said labor inspectors shall make reports of expenses as directed by the commissioner, who shall approve the same when proper and certify same for payment as other expenses of said bureau are now allowed and paid.

Act construed.

9. Nothing in this act shall be construed to conflict with the powers and duties of the State mine inspectors as now prescribed by law. The words factory, machine and work shop, shall not be construed to mean a newspaper or printing office.

Fire escapes on factories, etc.

Fire escapes to be erected.

SECTION 1830. All buildings of three or more stories in height, in every city of more than ten thousand inhabitants as enumerated by the last United States census, excepting private residences and store and ware houses in which not more than twenty persons are employed, shall be provided with one or more permanent metallic ladders or fire-escapes, extending from the first story to the upper stories of such building, and above the roof and on the outer walls thereof, in such location, numbers and character of construction as the chief of fire department or chief fire officer of each such city may determine. The said chief of the fire department or chief fire officer shall examine the building and serve, either in person or by deputy, a notice, in writing, upon the owner, agent, lessee or occupant of such building, by leaving at his or her residence or place of business a copy of such notice, setting forth the number, kind, construction and location of the ladder or ladders required, and directing that the work shall be completed not later than thirty days from the filing of the notice.

By whom.

SEC. 1831. If the owner of the building fails to take steps looking to the compliance of the specifications of the said notice, then the agent, lessee or occupant, who is jointly liable for the violation of the provisions of this act, must have the work performed at his own expense, and for which a lien on the building and grounds is hereby declared to exist after record in the office of the county clerk.

Violations.

SEC. 1832. Any owner, agent, lessee or occupant of such building violating any of the provisions of this act shall be fined not less than fifty dollars nor more than two hundred and fifty dollars for each thirty days the building may be unprovided with the ladder or fire escapes, recoverable on motion before any court of competent jurisdiction.

ACTS OF 1906.

CHAPTER 52.—*Inspection of factories, etc.*

Safety appliances.

SECTION 4. It shall be the duty of the owner of any manufacturing establishment, or his agents, superintendents or other person in charge of the same, to furnish and supply, when practicable, or cause to be furnished and supplied therein, belt shifters, or other safe mechanical contrivances for the purpose of throwing belts on or off pulleys; and, whenever practicable, machinery therein shall be provided with loose pulleys. All vats, pans, saws, planes, cogs, gearing, belting, set screws and machinery of every description therein which is palpably dangerous, where practicable, shall be properly guarded, and no person shall remove or make ineffective any safeguard around or attached to any planer, saw, belting, shafting or other machinery, or around any vat or pan, while the same is in use, unless for the purpose of immediately making repairs thereto, and all such safeguards shall be promptly replaced. No person under eighteen years of age shall be allowed to clean machinery while in motion.

Wash rooms, etc.

SEC. 5. Suitable and proper wash rooms and water-closets shall be provided in each manufacturing establishment, and such water-closets shall be properly screened and ventilated and be kept at all times in a clean condition; and if women and girls are employed in any such establishment, the water-closets shall have separate approaches and be separate and apart from those used by men. All closets shall be kept free [from] obscene writing and marking. A dressing room shall be provided for women and girls when required by the labor inspector in any manufacturing establishment in which women and girls are employed.

Seats for females.

SEC. 6. Every person, firm, corporation, association, individual or partnership employing girls or adult women in any manufacturing, mechanical or mercantile industry, laundry, workshop, renovating works or printing office in this Commonwealth shall provide seats for the use of the girls and women so employed, and shall permit the use of such by them when not necessarily engaged in the active duties for which they are employed.

SEC. 7. The walls and ceilings of each room in every manufacturing establishment shall be lime washed or painted, when, in the opinion of the labor inspector, it shall be conducive to the health or cleanliness of the person working therein. Walls to be lime washed.

SEC. 8. The grand jury shall have inquisitorial powers to investigate violations of this act, and judges of the circuit courts of the State shall specially charge the grand jury at the beginning of each term of the court to investigate violations of this act. Enforcement.

SEC. 9. The words "manufacturing establishment," wherever used in this act, shall be construed to mean any mill, factory or workshop where labor is employed. Definition.

SEC. 10. A copy of this act shall be conspicuously posted and kept posted in each workroom of every manufacturing establishment, mill, mine or workshop in this Commonwealth. Act to be posted.

SEC. 11. Any person who violates any of the provisions of this act, or who suffers or permits any child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor and, on conviction, shall be punished by a fine of not more than fifty dollars for the first offense and not more than two hundred dollars for the second offense. Violation.

SEC. 12. The provisions of this act shall not apply to the handling of fruits and vegetables in season, and the delivery of tobacco at the warehouses, and preparing same for the manufacturer. Exemptions.

LOUISIANA.

REVISED LAWS, 1897.

Fire escapes on factories, etc.

(Page 754. Act No. 97, Acts of 1888.)

SECTION 1. All buildings, except such as are used for private residences exclusively, in the city of New Orleans, of four or more stories in height, shall be provided with one or more metallic ladders or metallic fire escapes, including from the first story to the upper stories of such buildings, and above the roof and on the outer walls thereof, in such location and numbers and of such material and construction as the mayor, chief engineer of the fire department of their respective districts, the city surveyor and chairman of the fire committee of the city council and commissioner of public buildings, or a majority of them may from time to time determine; after such determination shall have been made as aforesaid, the chief engineer of the fire department of said city may at any time, by a notice in writing served upon the owner or agent of any such building by leaving with such owner or agent, or at his residence or place of business, a copy of such notice, require such owner or agent to cause such building within thirty days after the service of such notice [sic], require such owner or agent to cause such metallic ladder or fire escape to be placed upon such building, within thirty days after the service of such notice: *Provided, however*, That all buildings more than two stories in height, used for manufacturing purposes, shall have one metallic ladder for every twenty-five persons, or less, employed above the second story. What buildings to have fire escapes. Notice. Number.

SEC. 2. In case such owner, or agent, so served with notice as aforesaid shall not, within thirty days after the service of such notice upon him, place, or caused to be placed, such metallic ladder or fire escape upon such building, as required by this article and the terms of such notice, he shall be subject to a fine of not less than twenty-five nor more than two hundred and fifty dollars, and to a further fine of twenty-five dollars for each week of such neglect to comply with such notice after the service of the same. The fines imposed for violation of this act shall be collected by any court of competent jurisdiction. Penalty.

SEC. 3. It is hereby made the duty of the parties herein designated to execute the provisions of this act. Enforcement.

ACTS OF 1906.

Act No. 34.—*Inspection of factories, etc.*

Wash rooms, etc.

Section 4. Every factory, mill, manufacturing establishment, workshop, warehouse or store in which five or more persons are employed, and every such institution in which two or more children, young persons, or women, are employed, shall be supplied with proper wash and dressing rooms, and kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance, and shall be provided, within reasonable access, with a sufficient number of proper water-closets, earth closets or privies, for the reasonable use of the persons employed therein, at least one of such closets for each twenty-five persons employed, and wherever two or more persons, and one or more female persons, are employed as aforesaid, a sufficient number of separate and distinct water-closets, earth closets or privies, shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use any such closet or privy assigned to persons of the other sex.

Stairways.

Sec. 5. Stairways with substantial hand rails shall be provided in factories, mills, and manufacturing establishments, for the better safety of persons employed in said establishments. Wherever practicable the doors of such establishments shall swing outwardly, or slide, as ordered by the factory inspector, and it shall be neither locked, bolted, or fastened during working hours.

Enforcement.

Inspectors.

Sec. 6. In incorporated cities and towns the mayor, with the consent of the council, and in parishes the police jury, shall appoint a factory inspector, who may be either male or female, to see that the regulations of this act are observed, and also to prosecute all persons who shall violate the same. Such inspector shall be paid a salary of not more than seven hundred and fifty dollars ($750) per annum. Said factory inspectors are hereby empowered to visit and inspect, at all reasonable hours, the factories, mills, manufacturing establishments, workshops and other establishments in this State, where the manufacture of goods is carried on, and all stores employing ten or more persons. It shall also be the duty of the factory inspectors to enforce all the provisions of this act, and to prosecute for all violations of the same before any magistrate, in any court of competent jurisdiction in this State, in the city or town, in which the said inspector is appointed and in which he exercises his powers.

Violations.

Sec. 7. Any person who shall violate any of the provisions of this act shall be deemed guilty of an offense for each violation thereof, and upon conviction for the same, shall be punished by a fine of not less than ten nor more than twenty-five dollars, or by imprisonment in the parish jail (parish prison in New Orleans) not more than thirty days, or both, in the discretion of the court.

Definition.

Sec. 9. The word "person" wherever used in this act shall be deemed to mean firms and corporations as well as individuals.

Application of law.

Sec. 11. This act shall apply only to cities and towns in this State having a population of ten thousand or more persons and shall take effect from and after January 1st, 1907. Nothing contained in this act shall be construed to apply to domestic or agricultural laborers or industries.

MAINE.

REVISED STATUTES OF 1903.

Chapter 18.—*Vaccination of employees in paper mills.*

Vaccination required.

Section 83. No owner, agent or superintendent of any paper mill where domestic or foreign rags are used in the manufacturing of paper shall hire or admit any person to work in or about said mill who has not been successfully vaccinated or revaccinated within two years, or to the satisfaction of the local board of health.

Same subject.

Sec. 84. No person shall work in or about any paper mill where rags are used, who has not been successfully vaccinated or revaccinated within two years, or to the satisfaction of the local board of health.

List of employees.

SEC. 85. The owner, agent and superintendent in every paper mill where rags are used shall every year, in the months of February and September, make out and deliver to the local board of health, a list containing the names, ages, kind of work, and places of residence of all persons employed in or about said mill.

Examination.

SEC. 86. In the months of March and October, annually, each and every person who is employed in a paper mill, shall be examined by the local board of health as to whether he or she is successfully and sufficiently protected by vaccination, and the local board of health shall in all cases be the judges of the sufficiency of the protection by vaccination.

Penalty.

SEC. 87. Whoever violates any provision of the four preceding sections shall be punished by a fine of not more than fifty dollars.

CHAPTER 22.—*Inspection of steam boilers.*

Safety plugs.

SECTION 22. No person or corporation shall manufacture, sell, use or cause to be used, except as hereinafter provided, any steam boiler in the State unless it is provided with a fusible safety plug, made of lead for boilers carrying steam pressure above fifty pounds per square inch, and of tin for boilers carrying steam pressure of fifty pounds and less per square inch, and said safety plug shall be not less than one-half inch in diameter, and shall be placed in the roof of the fire box when a fire box is used, and in all cases shall be placed in the part of the boiler fully exposed to the action of the fire, and as near the surface line of the water as good judgment shall dictate, excepting in cases of upright tubular boilers, when the upper tube sheet is placed above the surface line of the water, which class of boilers shall be exempted from the provisions of this section.

Violations.

SEC. 23. If any person without just and proper cause removes from the boiler the safety plug, or substitutes any material more capable of resisting the action of the fire, or if any person or corporation uses or causes to be used, for six consecutive days, or manufactures or sells a steam boiler of a class not exempted from the provisions of the preceding section, unprovided with such safety fusible plug, such offender shall be fined not exceeding one thousand dollars.

CHAPTER 28.—*Factories and workshops—Inspection, etc.*

Doors opening outwardly.

SECTION 37. Every building intended temporarily or permanently for public use, * * * shall have all inner doors, intended for egress, open outwards. The outer doors of all such buildings shall be kept open when the same are used by the public, unless they open outwards; but fly doors opening both ways may be kept closed.

Fire escapes.

SEC. 38. * * * every building in which any trade, manufacture or business is carried on, requiring the presence of workmen above the first story, * * * shall at all times be provided with suitable and sufficient fire escapes, outside stairs or ladders from each story or gallery above the level of the ground, easily accessible to all inmates in case of fire or of an alarm of fire; the sufficiency thereof to be determined as provided in the following section.

Inspection.

SEC. 39. In towns or parts of towns having no organized fire department, the municipal officers shall annually make careful inspection of the precautions and safeguards provided in compliance with the foregoing requirements, and pass upon their sufficiency as to arrangement and number, and upon their state of repair; and direct such alterations, additions and repairs as they adjudge necessary. In towns, cities and villages having an organized fire department, the duties aforesaid shall be discharged by the board of fire engineers.

Notice.

SEC. 40. Such municipal officers or fire engineers shall give written notice to the occupant of such building, also to the owner thereof, if known, of their determination as to the sufficiency of said precautions and safeguards, specifying in said notice any alteration, addition or repair which they require. Sixty days are allowed for compliance with such notice and order.

Penalty.

SEC. 41. Any owner or occupant who neglects to comply with such order, within the time so allowed, forfeits fifty dollars, besides five

dollars for every day's continuance of such neglect; and the building or part of a building so occupied shall be deemed a common nuisance, without any other evidence than proof of its use; and the keeper shall be punished accordingly. Said officers may forbid the use of such building for any public purpose until their order has been complied with. And if the owner or occupant of said building lets or uses the same in violation of such order, he forfeits not less than twenty nor more than fifty dollars for each offense.

Certificate. SEC. 42. Whenever the municipal officers or engineers upon inspection, find that proper safeguards and precautions for escape in case of fire, or of alarm, have been provided, they shall give to the occupant of such building a certificate, under their hands, of such fact; which shall be valid for one year only from its date; * * * Such officers shall return to the clerk's office of their town, monthly, a list of such certificates by them issued, which the clerk shall record in a suitable book.

Evidence. SEC. 43. Every person receiving such certificate shall keep the same posted in such building. Such annual certificate, so posted, is prima facie evidence of the inspection of such building, and of the presence of such suitable safeguards and precaution. Every occupant of such building who neglects or refuses to procure such certificate, or to post the same as aforesaid, forfeits ten dollars for every week that he so neglects and refuses.

Penalty. SEC. 44. Every municipal officer or fire engineer who refuses or neglects to perform the duties imposed upon him by the seven preceding sections forfeits fifty dollars.

CHAPTER 40.—*Inspector of factories, etc.*

Inspector. SECTION 43. The governor, with the advice and consent of the council, shall appoint an inspector of factories, workshops, mines and quarries who shall hold office for two years, or until his successor is appointed,

Duties. unless sooner removed. Said inspector shall inquire into any violations of sections forty-eight to fifty-six inclusive, of this chapter, and assist in the collection of statistics and other information which may be required, for the use of the bureau of industrial and labor statistics. Whenever the governor shall be satisfied that said inspector can not perform all the duties of his office required by this section, in person, he shall, with the advice and consent of the council, appoint a sufficient number of assistant inspectors to assist him in so doing, who shall hold office for the term of two years, and act under the direction of said inspector, and shall receive the sum of two dollars a day and reasonable expenses while actually engaged in duty. They may, at any time, be removed for cause by the governor. For the purpose of inquiring into any violation of the provisions of said sections forty-eight to fifty-six of this chapter, relating to the regulation of the hours of labor and the employment of women and children in manufacturing and mechanical establishments, and enforcing the penalties thereof, such inspector and assistants may, at all reasonable times, enter any such establishments and make investigation concerning such violations. Such investigation shall be conducted with as little interruption as possible to the prosecution of the business of such establishment. Whoever interferes with said inspector or his assistants, in the performance of their duties as prescribed in this chapter, shall be fined fifty dollars.

The refusal and neglect of an employer to produce the certificates required by section 55 when requested by an inspector to do so, is not an interference with the performance of his duties within the meaning of this chapter. Active personal obstruction or interference is meant, and not mere nonaction. 84 Me. 55.

Sanitary conditions. SEC. 44 (as amended by chapter 77, Acts of 1907). The said inspector, * * * shall also examine into the sanitary condition of factories, workshops, mines and quarries, and when any condition or thing is found that, in his opinion endangers the health or lives of the em ployees, he shall notify and direct the employer to rectify the same; and if said employer shall neglect or refuse so to do within a reasonable time, said inspector may cause the same to be done at the expense of the employer.

SEC. 45. He shall enforce the due observance of sections thirty-seven and thirty-eight of chapter twenty-eight, relating to the swinging of doors, and fire escapes in factories and workshops. Doors opening outwardly.

SEC. 46. He shall, on or before the first day of December annually, submit his report to the commissioner of industrial and labor statistics, and it shall be incorporated in, and printed with the annual report of the bureau of industrial and labor statistics. Report.

MARYLAND.

PUBLIC GENERAL LAWS—CODE OF 1903.

ARTICLE 27.—*Factories and workshops—Inspection, etc.*

SECTION 234. All factories, manufacturing establishments or workshops in this State shall be kept in a cleanly condition and free from effluvia arising from any drain, privy or other nuisance; and no factory, manufacturing establishment or workshop shall be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein; and every such factory, manufacturing establishment or workshop shall be well and sufficiently lighted and ventilated in such a manner as to render harmless, as far as practicable, all the gases, vapors, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein, which may be injurious to health. Sanitation.

SEC. 235. Any person, firm or corporation managing or conducting any factory, manufacturing establishment or workshop in this State, who shall neglect any of the requirements of the preceding section, or do or permit to be done in the factory, manufacturing establishment or workshop conducted or managed by him, her, them or it, any act contrary to the provisions of said section, shall be guilty of a misdemeanor, and shall upon conviction thereof in a court of competent jurisdiction, be fined one hundred and fifty dollars for each offense so committed. Penalty.

SEC. 236. If any individual or body corporate engaged in the manufacture or sale of clothing or of any other article whereby disease may be transmitted shall with reasonable means of knowledge, by purchase, contract or otherwise, directly or indirectly, cause or permit any garments, or such other articles as aforesaid, to be manufactured or made up, in whole or in part, or any work to be done thereupon within this State and in a place or under circumstances involving danger to the public health, such individual or corporation, upon conviction in any court of competent jurisdiction shall be fined not less than ten dollars nor more than one hundred dollars for each garment manufactured, made up or worked upon. Manufacture of clothing, etc., in unhealthful surroundings. Penalty.

SEC. 237. If any individual or the officer of any corporation shall so as aforesaid cause or permit any garment or other articles in the next preceding section mentioned to be manufactured, made up or worked upon in a place or under circumstances involving danger to the public health, with the knowledge that it will or may thus be dealt with, he shall, upon conviction in any court of competent jurisdiction, be imprisoned not less than sixty days nor more than one year, and may be further fined not exceeding one thousand dollars, in the discretion of the court. Endangering public health. Penalty.

SEC. 238. Any room or apartment which shall not contain at least 400 cubic feet of clear space for each person habitually laboring in or occupying the same, or wherein the thermometer shall habitually stand, during the hours of labor, at or above 80 degrees Fahrenheit, before the first day of May or after the first day of October of any year, or wherein any person suffering from a contagious, infectious or otherwise dangerous disease or malady, shall sleep, labor or remain, or wherein, if of less superficial area than 500 square feet, any artificial light shall be habitually used between the hours of 8 a. m. and 4 p. m., or from which the debris of manufacture and all other dirt or rubbish shall not be removed at least once in every twenty-four hours, or which shall be pronounced ill ventilated or otherwise unhealthy by any officer or board having legal authority so to do, shall be deemed a place involving danger to the public health, as mentioned in the two preceding sections. Term construed.

Use of living room as work room.

SEC. 240. No room or apartment in any tenement or dwelling house shall be used except by the immediate members of the family living therein, which shall be limited to a husband and wife, their children, or the children of either, for the manufacture of coats, vests, trousers, knee pants, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waistbands, underwear, neckwear, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers, cigarettes, or cigars.

Permit.

No room or apartment in any tenement or dwelling house shall be used by any family or part of family until a permit shall first have been obtained from the chief of the bureau of industrial statistics, stating the maximum number of persons allowed to be employed therein.

Inspection.

Such permit shall not be granted until an inspection of such premises has been made by the inspector or his assistant, named by the chief of the bureau of industrial statistics, and such permit may be revoked by the said chief of the bureau of industrial statistics at any time the health of the community or those employed or living therein may require it.

Number of employees.

No person, firm or corporation shall work in, or hire or employ any person to work in any room or apartment in any building, rear building, or building in the rear of a tenement or dwelling house, at making in whole or in part, any of the articles mentioned in this section, without first obtaining a written permit from the chief of the bureau of industrial statistics stating the maximum number of persons allowed to be employed therein. Such permit shall not be granted until an inspection of such premises has been made by the factory inspector or his assistant, named by the chief of the bureau of industrial statistics, and such permit may be revoked by the chief of the bureau of industrial statistics at any time the health of the community or of those so employed may require it. All families, persons, firms or corporations now engaged in such manufacture in such tenement or dwelling house or other building, shall apply for said permit on or before July 1, 1902, and annually thereafter at the same date.

Permit to be posted.

The said permit shall be posted in a conspicuous place in the room, or one of the rooms to which it relates. Every person, firm or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the incomplete material from which they or any of them are to be made, or to be wholly or partially finished, or employing persons in any tenement or dwelling house, or other building, to make, wholly or partly finish, the articles mentioned in this section, shall keep a written

Register.

register of the names and addresses of all persons to whom such work is given to be made, or with whom they may have contracted to do the same. Such register shall be produced for inspection, and a copy thereof shall be furnished on demand made by the chief of the bureau of industrial statistics or one of his deputies.

Right to inspect.

SEC. 241. The chief of the bureau of industrial statistics, or his assistant, or any inspector, shall have authority to enter any room in any tenement or dwelling house, workshop, manufacturing establishment, mill, factory or place where any goods are manufactured, for the purpose of inspection. The person, firm or corporation owning or controlling or managing such places shall furnish access to and information in regard to such places to the said chief of the bureau of industrial statistics or his deputies at any and all reasonable times while work is being carried on.

Deputies.

SEC. 242. The chief of the bureau of industrial statistics shall appoint two deputies as assistants, whose duty it shall be to make such inspections of the tenements, dwelling houses, factories, workshops, mills and such other places as he may designate and to do such other work as the said chief of the bureau of industrial statistics shall designate.

Violations.

SEC. 243. Any person, firm or corporation who shall in any manner violate the provisions of sections 240, 241 and 242, or who shall refuse to give such information and access to the chief of the bureau of industrial statistics or his deputies, or secure such permit as provided, shall, upon conviction in any court of competent jurisdiction, be fined not less than five dollars nor more than one hundred dollars, or imprisoned not less than ten days nor more than one year, or both, in the discretion of the court; such fines to be collected as all other fines are collected by law.

PUBLIC LOCAL LAWS—CODE OF 1888.

ARTICLE 4.—*Factories and workshops—Oil—Fire escapes—Baltimore.*

SECTION 280 (Revision of 1898: Chapter 123, Acts of 1898). * * * It shall not be lawful for any person, agent, owner or proprietor of any sweat shop or factory where four or more persons are employed, to use any coal oil, gasoline, or any other explosive or inflammable compound for the purpose of lighting or heating in any form; and any person, agent, owner or proprietor violating this provision shall be guilty of a misdemeanor, and on conviction thereof, be fined by the court before which such conviction is had, for every violation, the sum of one hundred dollars and costs, and stand committed until such fine and costs be paid. The owner or owners of any such house or building used as a sweat shop or factory where four or more persons are employed as garment workers, on other than the first floor of such house or building, shall provide fire escapes for the same; and if any owner or owners of any house or building so used, fail to make or provide a fire escape, such owner or owners shall pay a fine of two hundred dollars, to be recovered as other fines in this State, or imprisonment in the city jail for sixty days, or both fine and imprisonment, in the discretion of the court.

Use of coal oil, etc., forbidden.

Fire escapes.

ARTICLE 4 (Revision of 1898: Chapter 123, Acts of 1898).—*Inspection of steam boilers—Baltimore.*

SECTION 572. The governor shall biennially appoint two suitable persons who are well skilled in the construction and use of steam engines and boilers, and in application of steam thereto, whose duty it shall be to inspect steam boilers in the city of Baltimore, as hereinafter specified and directed; said inspectors before entering on their duties, shall make oath before a justice of the peace, * * * that they are not, and will not during their term of office, be connected with, or interested in the manufacture of steam boilers, engines or machinery applicable thereto, * * *

Inspectors.

SEC. 573. The city of Baltimore is divided into two districts, which shall be known as the first and second steam boiler inspection districts: * * *

Districts.

SEC. 574. The inspectors, before entering on the discharge of their duties, shall provide themselves with an office in a central part of said city, also with the necessary apparatus and appliances for the testing of steam boilers; and they shall give notice for three successive days, through the two daily papers having the largest circulation in said city, of the time and manner in which they shall receive the reports of the locations of steam boilers.

Office, notices, etc.

SEC. 575. Every owner or renter using a steam boiler in said city, shall, within ten days after the publication of the aforesaid notice, report to the inspector of the district the location of such boiler, under a penalty of fifty dollars for each day a boiler is used and neglected to be reported.

Owners to report.

SEC. 576. The inspector of each district shall give six days' notice in writing to each owner or renter of a steam boiler, or the engineer or person in charge, of the time when he will inspect such boiler; and such owner or renter shall have such boiler ready for inspection, in compliance with the requirements of said notice, and shall furnish such assistance as the inspector may require, under a penalty of fifty dollars for such failure or neglect, and a further penalty of fifty dollars for each day any such boiler is used without a certificate of inspection.

Notice to precede inspection.

SEC. 577. It shall be the duty of each inspector, once at least in every year, to inspect all stationary steam boilers of three horsepower and upwards, used within the limits of his district, subjecting them to a hydrostatic test of at least twenty-five per cent in excess of the steam pressure allowed, and satisfy himself, by a thorough external and internal examination, (if possible) with a hammer, that the boilers are free from danger from corrosion or other defects, are well made of good material, the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat are of proper dimensions, and free from obstruction; that the flues and tubes, if any, are circular in form,

Annual inspection.

the furnaces in proper shape, and the fire line of the furnaces is at least two inches below the minimum water line of the boilers; and shall also satisfy himself that the safety valves are of suitable dimensions, sufficient in number and well arranged, and that the weights are properly adjusted so as to allow no greater pressure in the boiler than the amount prescribed in the certificate of inspection; that there is a sufficient number of gauge-cocks, a steam gauge, a coupling cock in suitable position for attaching the hydrostatic test, that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts of the boilers when they are under the pressure of steam, and that fusible metals are properly inserted so as to fuse by the heat of the furnaces when the water in the boilers shall fall below the prescribed limits, and that adequate and certain provision is made for an ample supply of water at all times; when the inspection is completed and the inspector approves the boiler, he shall make and subscribe a certificate of inspection, stating the condition of the boiler, the number of years or months it has been in use, and the pressure of steam allowed; and no greater pressure than that allowed by the certificate shall be applied to such boiler. In limiting pressure, whenever the boiler under test will, with safety, bear the same, the limit desired by the owner shall be the one certified; and such certificate of inspection shall be framed under glass, and kept in some conspicuous place on the premises where said boiler referred to is used; and if the inspector shall deliver or cause to be delivered to the owner or renter of any boiler a certificate of inspection without having first subjected the said boiler to the tests as herein provided, he shall forfeit his bond, and upon conviction shall be removed from office by the governor.

Quarterly inspection.

SEC. 578. In addition to the annual inspection, it shall be the duty of the inspector to examine all boilers within the limits of their respective districts once at least in every three months, and if deemed necessary, apply the hydrostatic test; and if on such examination the inspector shall find evidence of deterioration in strength, he shall revoke the certificate and issue another, assigning a lower rate of pressure; and if the defect be of such character as to make the boiler dangerous, the inspector shall notify the owner or renter in writing, stating in the notice what is required, and order the use of the boiler discontinued until the necessary repairs are made; and if he considers it beyond repair, he shall condemn it; and if the owner or renter shall refuse or neglect to comply with the requirements of the inspector, and shall, contrary thereto, and while the same remains unreversed, use the boiler, he shall be liable to a penalty of not less than one hundred dollars for each day such boiler is used, and in addition thereto shall be liable for any damage to persons or property which shall occur from any defects, as stated in the notice of the inspector.

Compliance with orders.

Appeal from orders, etc.

SEC. 579. Any owner or renter of a boiler, who shall consider himself aggrieved by the action of the inspector, under the provisions of the preceding section, may, within ten days after such inspection, notify the inspector of the fact, and demand a reexamination of the said boiler; the owner or renter shall select a practical engineer, who, with the inspector, shall select a third person, skilled in the manufacture and use of steam boilers, which said two persons, after taking an oath as reviewers, shall, together with the inspector, carefully examine the said boiler, and the decision of any two of these shall be final; should the decision of the inspector be sustained, the said owner or renter shall pay the expense of such review; but should it be reversed, the inspector shall restore the certificate, and the expense of the review shall be paid by the State; such reviewers shall receive five dollars for each day or part of a day they are engaged in making such review.

Use without inspection, etc.

SEC. 580. Any person erecting or using a steam boiler without having the same inspected by the inspector of the district in which the said boiler is located, shall pay a fine of one hundred dollars, and fifty dollars for each day any such boiler is used without being inspected; and any person who shall alter or change a steam gauge or weight on a safety valve for the purpose of carrying a greater pressure of steam on a boiler than that allowed by the certificate of inspection, shall be liable to a fine of five hundred dollars; and any owner or renter of a steam boiler

who shall neglect or refuse to place his certificate of inspection on the premises, as prescribed in section 577 hereof, shall pay a fine of five dollars for each day's refusal or neglect.

Examination of engineers.

SEC. 581. The inspector shall have power to examine the engineers and assistants in charge of boilers, and if any engineer or assistant is found incompetent or addicted to intemperance, the inspector shall notify the owner or renter, and withdraw the certificate of inspection until such engineer or assistant is displaced.

Record.

SEC. 583. It shall be the duty of each inspector to keep a correct record of the locations of all boilers in his district, when each boiler was inspected, the condition of the same at the time of inspection, the instructions given to the engineers in charge, the certificates issued, and the amount of steam pressure allowed in each certificate, and the boilers condemned or ordered to be repaired; also a correct account of all money received or paid out; and they shall report the same annually to the State comptroller.

Inspection for insurance.

SEC. 586. Every steam boiler insurance company doing business in this State shall have a resident inspector, whose duty it shall be to make inspections of steam boilers submitted for insurance to such steam boiler insurance company; and any owner or renter of a steam boiler who has the same insured in a steam boiler insurance company doing business in this State, in compliance with the laws thereof, and having a resident inspector and an established system of inspection, must immediately after the first annual inspection in each year by such resident inspector of such steam boiler insurance company, present to the State inspector of the district in which the said steam boilers are located, the certificate of inspection of the said company; and the said company shall be charged and chargeable with a fee of one dollar for each and every boiler so inspected and insured, which shall be paid to the State inspector with such certificate: *Provided*, That when there is more than one steam boiler belonging to the same owner or renter so insured, then the fee so chargeable to the insurance company shall be one dollar per boiler for the first five, and one dollar for each additional five or fraction thereof over and above the first five; and upon the acceptance of the provisions of this section by the owner or renter of said steam boiler, the said owner or renter shall be exempted from the requirements of this subdivision of this article.

ACTS OF 1894.

CHAPTER 202.—*Factories and workshops—Ventilating apparatus—Carroll County.*

Ventilating fans, etc., in mills for grinding stone.

SECTION 1. Every person or corporation owning or controlling any mill for grinding flint or any other kind of stone by the cylinder or dry process, in Carroll County, shall be required to furnish and equip said mill with the most improved fans, ventilators and other appliances for the removal from said mill, of the dust made therein by conducting said business, and to provide for the use of each person employed in said mill, the most approved apparatus for the protection of said person so employed, from inhaling said dust, and to keep in repair and renew said apparatus from time to time as may be necessary, free of cost to said person so employed; and any such person or corporation failing to comply with the requirements of this act shall be guilty of a misdemeanor, and upon indictment and conviction shall be subject to a fine of not less than five hundred dollars for each and every offense.

Duty of employees.

SEC. 2. Every person employed in any such mill for grinding flint or other stone, as specified in the preceding section, shall use and wear the apparatus provided for his protection as above specified, during the entire time he is at work in any part of said mill where there is any dust, and any such person so employed, who shall fail to comply with this requirement, shall be guilty of a misdemeanor, and upon indictment and conviction, shall be subject to a fine of not less than five dollars for each and every offense.

Inspection. SEC. 4. It shall be the duty of the constable of said county, at least twice in every year, to inspect all such mills which may be located within the districts for which the said constables are appointed, respectively, and to report to the next grand jury for said county any violations of any of the requirements of this act which they may discover or which may come to their knowledge.

MASSACHUSETTS.

REVISED LAWS OF 1902.

CHAPTER 75.—*Regulation and inspection of bakeries.*

Sanitation. SECTION 28. All buildings which are occupied as biscuit, bread or cake bakeries shall be properly drained and plumbed. They shall be provided with a proper wash room and water-closets, having ventilation apart from the bake room or rooms where food products are manufactured; and no water-closet, earth closet, privy or ash pit shall be within or communicate directly with the bake room of any bakery.

Construction of workrooms. SEC. 29. Every room which is used for the manufacture of flour or meal food products shall, if required by the board of health, have an impermeable floor constructed of cement or of tiles laid in cement, and an additional floor of wood properly saturated with linseed oil. The walls and ceiling of such rooms shall be plastered or wainscoted, and, if required by the board of health, shall be whitewashed at least once in three months. The furniture and utensils therein shall be so arranged that they and the floor may at all times be kept clean and in good sanitary condition.

Sleeping places. SEC. 30. The sleeping places for persons who are employed in a bakery shall be separate from the rooms in which flour or meal food products are manufactured or stored.

Time for alterations. SEC. 32. The owner, agent or lessee of any property affected by the provisions of sections twenty-eight and twenty-nine shall, within sixty days after service of notice requiring any alterations to be made on such property, comply therewith. Such notice shall be in writing, and may be served upon such owner, agent or lessee personally or by mail directed to his last known address.

Penalties. SEC. 33. Whoever violates the provisions of the five preceding sections, or refuses to comply with any requirement of the board of health authorized therein, shall, for the first offense, be punished by a fine of not less than twenty nor more than fifty dollars; for the second offense, by a fine not less than fifty nor more than one hundred dollars or by imprisonment for not more than ten days; for the third offense, by a fine of not less than two hundred and fifty dollars or by imprisonment for not more than thirty days or by both such fine and imprisonment.

Added regulations. SEC. 34 (as amended by chapter 403, Acts of 1902). The board of health of a city or town may make such further regulations as the public health may require, and shall cause such regulations, together with the six preceding sections, to be printed and posted in all such bakeries and places of business.

CHAPTER 104.—*Factories and workshops—Inspection, etc.*

Power of towns, etc., to inspect. SECTION 1. Every city, except Boston, and every town which accepts the provisions of this section or has accepted the corresponding provisions of earlier laws may, for the prevention of fire and the preservation of life, by ordinances or by-laws not inconsistent with law and applicable throughout the whole or any defined part of its territory, regulate the inspection, materials, construction, alteration and use of buildings and other structures within its limits, except such as are owned or occupied by the United States or by the Commonwealth and except bridges, quays and wharves, and may prescribe penalties not exceeding one hundred dollars for each violation of such ordinances or by-laws.

Who are inspectors. SEC. 14. The words "inspector of factories and public buildings," as used in this chapter, shall mean a member of the inspection department of the district police.

Buildings to be examined.

SEC. 15. The inspectors of factories and public buildings shall from time to time examine all buildings within their respective districts which are subject to the provisions of this chapter. If, in the judgment of any such inspector, such building conforms to the requirements of this chapter, he shall issue to the owner, lessee or occupant thereof, or of any portion thereof used in the manner described in section twenty-five, a certificate to that effect, specifying the number of persons for whom the egress and means of escape from fire are sufficient. Such certificate shall not continue in force for more than five years after its date, but so long as it continues in force it shall be conclusive evidence of a compliance by the person to whom it is issued with the provisions of this chapter. It shall be void if a greater number of persons than is therein specified are * * * employed * * * within such building or portion thereof, or if such building is used for any purposes materially different from those for which it was used at the time of the granting thereof, or if its interior arrangement is materially altered, or if any egress or means of escape from fire in such building at the time of granting such certificate are rendered unavailable or materially changed. Such certificate may be revoked by such inspector at any time upon written notice to the holder thereof or to the occupant of the premises for which it was granted, and shall be so revoked if, in the opinion of such inspector, the conditions have so changed that the existing egresses and means of escape are not proper and sufficient. A copy of said certificate shall be kept posted in a conspicuous place upon each story of such building by the occupant of the premises covered thereby.

Certificate.

Alterations, change of use, etc.

Filing application.

SEC. 16. Upon application to an inspector for a certificate under the provisions of this chapter, he shall issue to the applicant an acknowledgment of such application, which for ninety days pending the granting or refusal of such certificate, shall have the same effect as such certificate, and such acknowledgment may be renewed by him with the same effect for a further period, not exceeding ninety days, and may be further renewed by the chief of the district police, until such time as such certificate shall be granted or refused.

Notice of changes.

SEC. 17. If any change in the use or otherwise shall be made upon premises for which such certificate has been issued which would render the certificate void according to the provisions of section fifteen, the person who makes such change shall forthwith give written notice thereof to an inspector for the district or to the chief of the district police.

Notice of failure to conform.

SEC. 18. If an inspector finds that any building or portion thereof which is subject to the provisions of this chapter fails to conform thereto, or if any change is made therein which would render a certificate void according to the provisions of section fifteen, he shall give notice in writing to the owner, lessee, occupant or agent in charge thereof, specifying such additional egresses or means of escape from fire as in his opinion may be necessary to conform to the provisions of this chapter and to obtain a certificate as aforesaid.

Appeals.

SEC. 19. Whoever is aggrieved by the order, requirement or direction of an inspector given under the provisions of this chapter may, within ten days after the service thereof, apply to the superior court for the county in which the building to which such order, requirement or direction relates is situated for an injunction to restrain its enforcement; and after such notice as said court shall order to all parties interested, a hearing may be had before said court at such early and convenient time and place as shall be fixed by said order; or the court may appoint three disinterested persons, skilled in the subject matter of the controversy, to examine the matter and hear the parties; and the decision of said court, or the decision, in writing and under oath, of the majority of said experts, filed in the office of the clerk of courts in said county within ten days after such hearing, may alter, annul or affirm such order, requirement or direction. Such decision or a certified copy thereof shall have the same authority, force and effect as the original order, requirement or direction of the inspector. If such decision annuls or alters such order, requirement or direction, the court shall also enjoin the said inspector from enforcing it, and in every such case the certificate required by section fifteen shall thereupon be issued by said court or by said experts.

Plans of buildings to be filed.

SEC. 22. No building * * * more than two stories in height which is designed to be used above the second story, in whole or in part, as a factory, workshop or mercantile or other establishment and has accommodations for ten or more employees above said story, * * * shall be erected until a copy of the plans thereof has been deposited with the inspector of factories and public buildings for the district in which it is to be erected by the person causing its erection, or by the architect thereof. Such plans shall include the method of ventilation provided therefor and a copy of such portion of the specifications thereof as the inspector may require. Such building shall not be so erected without sufficient egresses and other means of escape from fire, properly located and constructed. The certificate of the inspector, indorsed with the approval of the chief of the district police, shall be conclusive evidence of a compliance with the provisions of this chapter unless, after it is granted, a change is made in the plans or specifications of such egresses and means of escape without a new certificate therefor. Such inspector may require that proper fire stops shall be provided in the floors, walls and partitions of such building, and may make such further requirements as may be necessary or proper to prevent the spread of fire therein or its communication from any steam boiler or heating apparatus.

Wooden flues, etc., forbidden.

SEC. 23. No wooden flue or air duct for heating or ventilating purposes shall be placed in any building which is subject to the provisions of sections twenty-four and twenty-five and no pipe for conveying hot air or steam in such building shall be placed or remain within one inch of any woodwork, unless protected to the satisfaction of said inspector by suitable guards or casings of incombustible material.

Penalty.

SEC. 24. Whoever erects or constructs a building, or an architect or other person who draws plans or specifications or superintends the erection or construction of a building, in violation of the provisions of this chapter, shall be punished by a fine of not less than fifty nor more than one thousand dollars.

Fire escapes, etc.

SEC. 25 (as amended by chapter 503, Acts of 1907). A building * * * in which ten or more persons are employed above the second story in a factory, workshop, mercantile and other establishment, * * * and a factory, workshop, mercantile or other establishment the owner, lessee or occupant of which is notified in writing by an inspector of factories and public buildings that the provisions of this chapter are deemed by him applicable thereto shall be provided with proper egresses or other means of escape from fire, sufficient for the use of all persons * * * employed * * * therein; but no owner, lessee or occupant of such building shall be deemed to have violated this provision unless he has been notified in writing by such inspector what additional egresses or means of escape from fire are necessary and has neglected or refused to supply the same. The egresses and means of escape shall be kept unobstructed, in good repair and ready for use, and every such egress shall be provided with a sign having on it the word "Exit" in letters not less than five inches in height and so as plainly to indicate to persons within the building the location of such egresses. Stairways on the outside of a building shall have suitable railed landings at each story above the first, accessible at each story from doors or windows, and such landings, doors and windows shall be kept clear of ice, snow and other obstructions. * * * If the inspector so directs in writing, women or children shall not be employed in a factory, workshop, mercantile or other establishment, in a room above the second story from which there is only one egress, and all doors and windows in any building which is subject to the provisions of this section shall open outwardly, and every room above the second story in any such building, in which ten or more persons are employed, shall be provided with more than one egress by stairways or by such other way or device, approved in writing by the inspector, as the owner may elect, on the inside or outside of the building, placed as near as practicable at each end of the room. The certificate of the inspector shall be conclusive evidence of a compliance with such requirements.

Fire extinguishers.

SEC. 26. Each story above the second story of a building which is subject to the provisions of the preceding section shall be supplied with means of extinguishing fire, consisting of pails of water or other portable apparatus or of a hose attached to a suitable water supply and capable of reaching any part of such story; and such appliances shall be kept at all times ready for use and in good condition.

Safety devices on elevators.

SEC. 27. Elevator cabs or cars, whether used for freight or passengers, shall be provided with a suitable mechanical device by which they will be securely held in the event of an accident to the shipper rope or hoisting machinery, or any similar accident, and they shall be guarded and equipped with some attachment or device fastened to the elevator cab or car, elevator well, or floor of the building, which shall prevent any person from being caught between the floor of the cab or car and the floor of the building while attempting to enter or leave the elevator. Elevators used for carrying freight shall be equipped with a suitable device which shall act as a danger signal to warn people of the approach of the elevator. Elevator wells hereafter built shall be so constructed that that part of the inside surface of the well which comes in front of the opening or door of the cab or car shall be flush with the cab or car, and the door opening from said elevator well into the building shall be placed not more than two inches back from the face of said well, so as to allow no space for a foothold between the car and well door of the building. All the above construction work and devices shall be approved by the inspectors of factories and public buildings, except that in the city of Boston they shall be approved by the building commissioner, and in other cities by the inspector of buildings; but, upon the approval of said commissioner, or inspector of buildings, or inspector of factories and public buildings, any elevator may be used without any or all of such appliances or devices if the nature of the business is such that the necessity for the same will not warrant the expense.

Construction.

This section requires the use of a suitable device, approved by the inspectors, but does not impose the duty of providing a device that will surely, under all circumstances, hold the elevator in the event of an accident. 159 Mass. 216.

Notice of unsafe elevators.

SEC. 28. If an elevator which is used for freight or passengers is, in the judgment of the inspector of factories and public buildings, unsafe or dangerous to use or has not been constructed in the manner required by law, said inspector shall immediately post conspicuously upon the entrance to or door of the cab or car of such elevator a notice of its dangerous condition and shall prohibit its use until made safe to his satisfaction. No person shall, without authority from said inspector, remove such notice or operate such elevator while the notice is posted as aforesaid. The provisions of this section shall not apply to the city of Boston.

Communication with engineer's room.

SEC. 38. In every manufacturing establishment in which the machinery is propelled by steam, communication shall be provided between each room in which such machinery is placed and the room in which the engineer is stationed by means of speaking tubes, electric bells or appliances to control the motive power, or such other means as shall be satisfactory to the inspectors of factories and public buildings, if in the opinion of the inspectors such communication is necessary. Whoever, being the occupant or controlling the use of any such manufacturing establishment, violates the provisions of this section shall forfeit to the Commonwealth not less than twenty-five nor more than one hundred dollars.

Penalty.

Allowance of time.

SEC. 39. No prosecution for a violation of the provisions of the preceding section shall be commenced until four weeks after notice in writing by the inspector has been sent by mail to such person, firm or corporation of any changes necessary to be made to comply with the provisions of said section, nor if such changes shall have been made in accordance with such notice.

Doors not to be locked.

SEC. 40. No outside or inside doors of any building in which operatives are employed shall be so locked, bolted or otherwise fastened during the hours of labor as to prevent free egress. The owner, lessee or occupant of any such building shall, five days after receiving notice in writing from an inspector of factories and public buildings, comply with the provisions of this section.

Guards for machinery.

SEC. 41 (as amended by chapter 503, Acts of 1907). The belting, shafting, gearing and drums of all factories, if so placed as, in the opinion of the inspectors of factories and public buildings, to be dangerous to employees therein while engaged in their ordinary duties, shall be as far as practicable securely guarded. No machinery except steam engines in a factory shall be cleaned while running if objection in writing is made by one of said inspectors. All factories and workshops shall be well lighted, well ventilated and kept clean. Suitable receptacles for expectoration shall be provided in all factories and workshops by the proprietors thereof, the same to be of such form and construction and of such number as shall be satisfactory to the board of health of the city or town in which the factory or workshop is situated.

Cleaning moving machinery.

Spittoons.

Traversing machinery in cotton mills.

SEC. 42. The owner of a cotton factory which shall have been erected subsequent to the twenty-eighth day of May in the year eighteen hundred and ninety-six who permits the traversing carriage of a self-acting mule in such factory to travel within twelve inches of any pillar, column, pier or fixed structure shall be punished by a fine of not less than twenty nor more than fifty dollars for each offense.

Protection of hatchways, etc.

SEC. 43. The openings of all hoistways, hatchways, elevators and wellholes upon every floor of a factory or mercantile or public building shall be protected by sufficient trapdoor or self-closing hatches and safety catches, or such other safeguards as the inspectors of factories and public buildings direct; and due diligence shall be used to keep such trapdoors closed at all times, except when in actual use by the occupant of the building who has the use and control of the same.

An employee can not maintain an action under this section unless at the time he was injured he was in the exercise of due care. 143 Mass. 470.

The act must be accepted by the city before an owner can be held liable for injuries resulting from noncompliance with its provisions. 145 Mass. 123.

Temporary flooring in building construction.

SEC. 44. If, in the erection of an iron or steel framed building the spaces between the girders or floor beams of any floor are not filled or covered by the permanent construction of said floors before another story is added to the building, a close plank flooring shall be placed and maintained over such spaces, from the time when the beams or girders are placed in position until said permanent construction is applied; but openings, protected by a strong hand railing not less than four feet high, may be left through said floors for the passage of workmen or material.

Same subject.

SEC. 45. In the construction of any iron or steel framed building having a clear story of twenty-five feet elevation or more, a staging with a close plank flooring shall be placed under the whole extent of the beams, girders, or trusses of such story upon which iron or steel workers are working, and not more than ten feet below the under side of such beams, girders and trusses.

Penalty.

SEC. 46. Inspectors of factories and public buildings shall enforce the provisions of the two preceding sections, and whoever violates any provisions thereof shall be punished by a fine of not less than fifty nor more than five hundred dollars for each offense.

Use of explosive compounds.

SEC. 47. Explosives or inflammable compounds shall not be used in any factory in such place or manner as to obstruct or render hazardous the egress of operatives in case of fire.

Cotenant may provide fire escape.

SEC. 48. If a building which is subject to the provisions of this chapter is owned, leased or occupied, jointly or in severalty, any owner, lessee or occupant may affix to any part of the outside wall of such buildings any means of egress or of escape from fire specified and described by an inspector as above provided, notwithstanding the objection of any other such owner, lessee or occupant; and such means of egress or escape may project over the highway.

Certificate to precede license.

SEC. 49. A license which is required by law, ordinance or by-law to authorize any premises to be used for any purpose specified in section twenty-five shall not be granted until a certificate for such building

or portion thereof shall first have been obtained from an inspector as above provided, and, when issued, shall not continue in force after the expiration of such certificate.

Who liable.

SEC. 50. The owner, lessee or occupant of a theater, factory, workshop or manufacturing establishment, or whoever owns any building or room mentioned in and subject to the provisions of sections fifteen, seventeen, twenty-two, twenty-three, twenty-five, twenty-six, thirty-six and thirty-seven, or controls the use thereof, shall cause the provisions thereof to be observed, and such person or corporation shall be liable to any person injured for all damages caused by a violation of the provisions of this chapter. No criminal prosecution shall be commenced for such violation until four weeks after notice in writing to such person or corporation has been given by an inspector of factories and public buildings of any changes necessary to be made to conform to the provisions of said sections, nor if such changes shall have been made in accordance with such notice. Notice to one member of a firm or to the clerk or treasurer of a corporation or to the person in charge of the premises shall be sufficient notice hereunder to all members of such firm or to such corporation owning, leasing, or controlling the premises. Such notice may be served personally or sent by mail.

Allowance of time.

What constitutes notice.

Exceptions as to Boston.

SEC. 53. Sections fifteen to eighteen, inclusive, twenty-two to twenty-six, inclusive, * * * forty-eight to fifty-one, inclusive, * * * shall not apply to the city of Boston.

Penalty.

SEC. 55. Whoever, being the owner, lessee or occupant of any building or room described in section twenty-two violates the provisions of sections fifteen to eighteen, inclusive, twenty-two to twenty-six, inclusive, thirty-six, thirty-seven, forty-eight and forty-nine, shall be punished by a fine of not less than fifty nor more than one thousand dollars.

General penalty.

SEC. 56. Whoever violates any provision of this chapter for which no other penalty is specifically prescribed shall be punished by a fine of not more than one hundred dollars.

CHAPTER 106.—*Factories and workshops—Inspection, etc.*

Accidents to be reported.

SECTION 17. All manufacturers, manufacturing corporations and proprietors of mercantile establishments shall forthwith send to the chief of the district police a written notice of any accident to an employee while at work in any factory, manufacturing or mercantile establishment operated by them, if the accident results in the death of said employee or in such bodily injury as to prevent him from returning to his work within four days thereafter. The chief of the district police shall forthwith transmit to the sender of such notice a written or printed acknowledgment of the receipt thereof, and he shall keep a record of all accidents so reported to him, of the name of the person injured, of the city or town in which the accident occurred and the cause thereof, and shall include an abstract of said record in his annual report. Whoever fails to send notice of an accident as required by this section shall be punished by a fine of not more than twenty dollars.

Sanitation.

SEC. 47. Every factory in which five or more persons are employed, and every factory, workshop, mercantile or other establishment or office in which two or more children, under eighteen years of age or women are employed, shall be kept clean and free from effluvia arising from any drain, privy or nuisance, and shall be provided, within reasonable access, with a sufficient number of proper water-closets, earth closets or privies; and wherever two or more males and two or more females are employed together, a sufficient number of separate water-closets, earth closets or privies shall be provided for the use of each sex, and plainly so designated; and no person shall be allowed to use a closet or privy which is provided for persons of the other sex.

Who to make changes.

SEC. 48. The owner, lessee or occupant of any premises which are used as described in the preceding section shall make the changes necessary to conform thereto. If such changes are made upon the order of an inspector of factories and public buildings by the occupant or lessee of the premises, he may, within thirty days after the completion thereof, bring an action against any other person who has an interest in such premises, and may recover such proportion of the expense of making such changes as the court adjudges should justly and equitably be borne by the defendant.

Board of health to act, when.

SEC. 49. If it appears to an inspector of factories and public buildings that any act, neglect or fault in relation to any drain water-closet, earth closet, privy, ash pit, water supply, nuisance or other matter in a factory or workshop included under the provisions of section forty-seven, is punishable or remediable under the provisions of chapter seventy-five or any other law relative to the preservation of the public health, but not under the provisions of this chapter, he shall give notice in writing thereof to the board of health of the city or town in which such factory or workshop is situated, and such board of health shall thereupon inquire into the subject of the notice and enforce the laws relative thereto.

Allowance of time.

SEC. 50. A criminal prosecution shall not be instituted against a person for a violation of the provisions of sections forty-seven and forty-eight until four weeks after notice in writing by an inspector of factories and public buildings of the changes necessary to be made to comply with the provisions of said sections has been sent by mail or delivered to such person, nor if such changes shall have been made in accordance with such notice. A notice shall be sufficient under the provisions of this section if given to one member of a firm, or to the clerk, cashier, secretary, agent or any other officer who has charge of the business of a corporation or to its attorney; and in case of a foreign corporation, to the officer who has the charge of such factory or workshop; and such officer shall be personally liable for the amount of any fine if a judgment against the corporation is returned unsatisfied.

Notice.

Ventilation.

SEC. 51. A factory in which five or more persons and a workshop in which five or more women or young persons are employed shall, while work is carried on therein, be so ventilated that the air shall not become so impure as to be injurious to the health of the persons employed therein and so that all gases, vapors, dust or other impurities injurious to health, which are generated in the course of the manufacturing process or handicraft carried on therein shall, so far as practicable, be rendered harmless.

Same subject.

SEC. 52. If, in a workshop or factory which is within the provisions of the preceding section, any process is carried on by which dust is caused which may be inhaled to an injurious extent by the persons employed therein, and it appears to an inspector of factories and public buildings that such inhalation would be substantially diminished without unreasonable expense by the use of a fan or by other mechanical means, such fan or other mechanical means, if he so directs, shall be provided, maintained and used.

Allowance of time.

SEC. 53. A criminal prosecution shall not be instituted for any violation of the provisions of the two preceding sections unless such employer neglects, for four weeks after the receipt of a notice in writing, to make such changes in his factory or workshop as shall be ordered by an inspector of factories and public buildings.

Sweat shops to be licensed.

SEC. 56 (as amended by chapter 238, Acts of 1905). A room or apartment in a tenement or dwelling house shall not be used for the purpose of making, altering, repairing or finishing therein coats, vests, trousers or wearing apparel of any description, except by the members of the family dwelling therein; and a family which desires to make, alter, repair or finish coats, vests, trousers or wearing apparel of any description in a room or apartment in a tenement or dwelling house shall first procure a license therefor from an inspector of factories and public buildings, which shall be approved by the chief of the district police. A license may be applied for by, and issued to, any member of a family which desires to do such work. No person, partnership or corporation shall hire, employ or contract with a member of a family which does not hold a license therefor to make, alter, repair or finish garments or articles of wearing apparel as aforesaid, in any room or apartment in a tenement or dwelling house as aforesaid. Every room or apartment in which garments or articles of wearing apparel are made, altered, repaired or finished shall be kept in a cleanly condition and shall be subject to the inspection and examination of the inspectors of the district police for the purpose of ascertaining whether said room or apartment or said garments or articles of wearing apparel or any parts thereof are clean and free from vermin and from infectious or contagious matter. A room or apartment in a tenement or dwelling house which is not used for living or sleeping purposes and which is not connected

with a room or apartment used for living or sleeping purposes and which has a separate and distinct entrance from the outside shall not be subject to the provisions of this section, nor shall the provisions of this section prevent the employment of a tailor or seamstress by any person or family for the making of wearing apparel for the use of such person or family.

Register.

Every person, firm or corporation hiring, employing or contracting with a member of a family holding a license under this section for the making, altering, repairing or finishing of garments or wearing apparel to be done outside the premises of such person, firm, or corporation, shall keep a register of the names and addresses plainly written in English of the persons so hired, employed or contracted with, and shall forward a copy of such register once a month to the chief of the district police.

Infectious diseases, etc.

SEC. 57. If said inspector finds evidence of infectious or contagious disease or of vermin present in a workshop or in a room or apartment in a tenement or dwelling house in which garments or articles of wearing apparel are made, altered or repaired, or in goods manufactured or in process of manufacture therein, he shall report the same to the chief of the district police, who shall then notify the local board of health to examine said workshop, room or apartment and the materials used therein; and if the board of health finds that said workshop or tenement or dwelling house is in an unhealthy condition and that the clothing and materials used therein are unfit for use, it shall issue such orders as the public safety may require.

Tag to be affixed, when.

SEC. 58. Whoever sells or exposes for sale coats, vests, trousers or wearing apparel of any description which have been made in a tenement or dwelling house in which the family dwelling therein has not procured a license, as required by section fifty-six, shall have affixed to each of said garments a tag or label not less than two inches in length and one inch in width, upon which shall be legibly written the words "tenement made" and the name of the State and the city or town in which the garment was made.

Sale of tenement-made articles.

SEC. 59. No person shall sell or expose for sale any of said garments without a tag or label as aforesaid affixed thereto, nor willfully remove, alter or destroy such tag or label upon any of said garments when exposed for sale, nor sell or expose for sale any of said garments with a false or fraudulent label affixed thereto.

Inspection of clothing brought into State.

SEC. 60. If it is reported to said inspector, to the chief of the district police or to the State board of health that ready-made coats, vests, trousers, overcoats or other garments are being shipped to this Commonwealth, having been manufactured under unhealthy conditions, said inspector shall examine said goods and the condition of their manufacture, and if they are found to contain vermin or to have been made in improper places or under unhealthy conditions, he shall so report to the State board of health, which shall thereupon make such orders as the public safety may require.

Penalty.

SEC. 61. Whoever violates any of the provisions of the five preceding sections shall be punished by a fine of not less than fifty nor more than five hundred dollars.

CHAPTER 108.—*Factories and workshops—Inspectors.*

District police as inspectors.

SECTION 8 (as amended by chapter 413, Acts of 1907). The members of the inspection department of the district police shall, except as otherwise provided in chapters one hundred and four, one hundred and five and one hundred and six, enforce the provisions thereof and all other provisions of law relative to the employment of women and minors in manufacturing, mechanical and mercantile establishments, the employment of children, young persons or women in factories or workshops, the lighting and the ventilation of factories or workshops, the keeping of them clean, and the securing of proper sanitary provisions therein, and the making of clothing in unsanitary conditions.

Duties.

May enter buildings.

For such purposes, said inspectors may enter all buildings and parts thereof which are subject to the provisions of said chapters and examine the methods of protection from accident, the means of escape from fire, the sanitary provisions, the lighting and the means of ventilation, and may make investigations as to the employment of children, young persons and women.

ACTS OF 1902.

CHAPTER 322.—*Factories and workshops—Pure drinking water to be supplied employees.*

Drinking water in factories.

SECTION 1. All manufacturing establishments in this Commonwealth shall provide fresh and pure drinking water, to which their employees shall have access during working hours.

Penalty.

SEC. 2. Any corporation, association, firm or person owning, in whole or in part, managing, controlling or superintending any manufacturing establishment in which the provision of this act is violated shall, upon complaint of the board of health of the city or town, or of the selectmen of the town in which the establishment is located, be liable to a fine of one hundred dollars for each offense.

ACTS OF 1903.

CHAPTER 475.—*Inspection of factories—Blowers for emery wheels, etc.*

Blowers required.

SECTION 1. Any person, firm or corporation operating a factory or workshop in which emery wheels or belts or buffing wheels or belts injurious to the health of employees are used shall, within three months after this act takes effect, provide such wheels and belts with a hood or hopper connected with suction pipes, and with fans or blowers, in accordance with the provisions hereinafter contained, which apparatus shall be placed and operated in such a manner as to protect any person or persons using any such wheel or belt from the particles or dust produced by the operation thereof, and to convey the said particles or dust either outside of the building or to some receptacle so placed as to receive and confine the said particles or dust.

Hoods, etc.

SEC. 2. Every such wheel shall be fitted with a sheet iron or cast-iron hood or hopper of such form and so placed that the particles or dust produced by the operation of the wheel or of any belt connected therewith shall fall or will be thrown into such hood or hopper by centrifugal force; and the fans or blowers aforesaid shall be of such size and shall be run at such speed as will produce a volume and velocity of air in the suction and discharge pipes sufficient effectually to convey all particles or dust from the hood or hopper through the suction pipes and so outside of the building or to a receptacle as aforesaid.

Pipes.

SEC. 3. The suction pipes and connections shall be suitable and efficacious, and such as shall be approved by the district police.

Application of law.

SEC. 4. This act shall not apply to grinding machines upon which water is used at the point of grinding contact, nor to solid emery wheels used in saw mills or in planing mills or in other woodworking establishments, nor to any emery wheel six inches and under in diameter used in establishments where the principal business is not emery wheel grinding.

Enforcement.

SEC. 5. It shall be the duty of the district police and of factory inspectors, upon receiving notice in writing, signed by any person having knowledge of the facts, that any factory or workshop as aforesaid is not provided with the apparatus herein prescribed, to visit such factory or workshop and inspect the same, and for that purpose they are hereby authorized to enter any such factory or workshop during working hours; and if they ascertain, in the foregoing or in any other manner, that the owner, proprietor or manager of any such factory or workshop has failed to comply with the provisions of this act, they shall make complaint of the same in writing, before a court or judge having jurisdiction, and cause such owner, proprietor or manager to be proceeded against for violation of this act; and it is made the duty of the district attorney to prosecute all cases arising under this act.

Violation

SEC. 6. Any person failing to comply with any provision of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five nor more than one hundred dollars, and in case of a second offense he shall be punished by the aforesaid fine, or by imprisonment in the county jail for a term not exceeding sixty days, or by both such fine and imprisonment.

ACTS OF 1904.

CHAPTER 347.—*Inspection of factories—Loom guards.*

Guards to be provided.

SECTION 1. It shall be the duty of all persons owning, managing or operating factories in this Commonwealth in which looms are employed, to equip the looms with such guards or other devices as will prevent injury to employees from shuttles falling or being thrown from the looms.

Material, etc.

SEC. 2. Such guards or other devices shall be made of such material and placed in such manner as shall be approved by the inspection department of the district police, who are hereby directed to enforce the provisions of this act.

Violation.

SEC. 3. Any person, firm or corporation violating any provision of this act shall be punished by a fine of not more than one hundred dollars for every week during which such violation continues.

ACTS OF 1906.

CHAPTER 250.—*Inspection of factories—Toilet rooms in foundries.*

Toilet rooms required.

SECTION 1. The proprietor of every foundry engaged in the casting of iron, brass, steel or other metal, and employing ten or more men, shall establish and maintain, except in cities or towns where to do so would be impracticable by reason of the absence of public or private sewerage or of any running water system, toilet room of suitable size and condition for the men to change their clothes therein, and provided with wash bowls, sinks or other suitable set appliances connected with running hot and cold water, and also a water-closet connected with running water and separated from the said toilet room. The said water-closet and toilet room shall be connected directly with the foundry building, properly heated, ventilated and protected, so far as may be reasonably practicable, from the dust of the foundry.

Violations.

SEC. 2. Whoever fails to comply with the provisions of this act, after being requested so to do by a member of the district police, shall be fined not more than fifty dollars for each offense.

CHAPTER 521.—*Inspection of steam boilers—Chief inspector.*

Appointment.

SECTION 1. The governor is hereby authorized to appoint, as hereinafter provided, one of the members of the boiler inspection department of the district police as chief inspector of said boiler inspection department. Said chief inspector shall have supervision over the members of said boiler inspection department in order to secure the uniform enforcement throughout the Commonwealth of all acts relative to the inspection of boilers and the examination of engineers and firemen. Said chief inspector shall receive an annual salary of two thousand dollars and his actual and necessary traveling expenses.

Examination.

SEC. 2. As soon as practicable after the passage of this act the civil service commissioners shall hold an examination to determine the qualifications of applicants for the position of said chief inspector. The commissioners shall certify to the governor the names of the three persons receiving the highest percentage on such examination, and the percentage obtained by each, and the governor shall appoint one of said three persons as chief inspector of the boiler inspection department.

CHAPTER 522.—*Inspection of steam boilers—Inspectors.*

Inspectors, etc.

SECTION 1. The governor is hereby authorized and directed to appoint five additional members of the inspection department of the district police, who shall be not above forty-five years of age. Said age limit shall apply to all new appointments to said boiler inspection department, but shall not apply to any reappointment thereto. They shall be detailed for the inspection of boilers, and shall receive the same compensation now received by the present inspectors of boilers. The governor is also hereby authorized to appoint one clerk, at an annual salary of eight hundred dollars, to serve in the said department, and four additional clerks, at an annual salary of six hundred dollars each, to serve at branch offices in the said department.

ACTS OF 1907.

CHAPTER 164.—*Medical and surgical appliances in factories.*

Appliances to be kept.

SECTION 1. Every person, firm or corporation operating a factory or shop in which machinery is used for any manufacturing purpose, or for any other purpose except for elevators, or for heating or hoisting apparatus, shall at all times keep and maintain, free of expense to the employees, such a medical and surgical chest as shall be required by the local board of health of any city or town where such machinery is used, containing plasters, bandages, absorbent cotton, gauze, and all other necessary medicines, instruments and other appliances for the treatment of persons injured or taken ill upon the premises.

Violations.

SEC. 2. Any person, firm or corporation violating this act shall be subject to a fine of not less than five dollars nor more than five hundred dollars for every week during which such violation continues.

CHAPTER 451.—*Inspectors of boilers.*

Additional inspectors.

SECTION 1. The governor is hereby authorized and directed to appoint five additional members of the boiler inspection department of the district police, who shall be licensed engineers having not less than five years' experience, and who shall be not above forty-five years of age. The said age limit shall apply hereafter to all new appointments in said boiler inspection department, but shall not apply to any reappointment therein. The said five additional members shall be detailed for the inspection of boilers and the examination of engineers and firemen, and shall receive the same compensation now received by the present inspectors of boilers. * * *

CHAPTER 465.—*Inspection of steam boilers.*

Law applies to what.

SECTION 1. All steam boilers and their appurtenances, except boilers of railroad locomotives, motor road vehicles, boilers in private residences, boilers in public buildings and in apartment houses used solely for heating, and carrying pressures not exceeding fifteen pounds per square inch, and having less than four square feet of grate surface, boilers of not more than three horsepower, boilers used for horticultural and agricultural purposes exclusively, and boilers under the jurisdiction of the United States, shall be thoroughly inspected internally and externally at intervals of not over one year, and shall not be operated at pressures in excess of the safe working pressure stated in the certificate of inspection hereinafter mentioned, which pressure is to be ascertained by rules established by the board of boiler rules, to be appointed as hereinafter provided; and shall be equipped with such appliances to insure safety of operation as shall be prescribed by said board. All such boilers installed after January first, nineteen hundred and eight, shall be so inspected when installed. No certificate of inspection shall be granted on any boiler installed after May first, nineteen hundred and eight, which does not conform to the rules of construction formulated by the board of boiler rules.

Duty of owners, etc.

SEC. 2. Whoever owns, or uses or causes to be used, any such boiler, unless the same is under the periodically guaranteed inspection of insurance companies authorized to insure boilers in this Commonwealth, shall annually report to the chief of the district police the location of such boiler.

Annual inspections.

SEC. 3. All such boilers shall also be inspected externally at least once each year when in operation, and it shall be the duty of the inspector to observe the pressure of steam carried, and the general condition of each boiler, and to ascertain if the safety valve, and the appliances for indicating the pressure of steam and level of water in the boiler, are in proper working order. No person shall remove or tamper with any safety appliance prescribed by the board of boiler rules, and no person shall in any manner load the safety valve to a greater pressure than that allowed by the certificate of inspection.

Who may inspect.

SEC. 4. The inspection of boilers and appurtenances shall be made by the boiler inspection department of the district police, under the supervision of the chief inspector of boilers, or by inspectors of such insurance companies as have complied with the laws of the Commonwealth and are authorized to insure steam boilers. Inspectors of boilers in the boiler inspection department hereafter appointed shall not be subject to the rules of the civil service commission requiring members of the district police to be of a certain height and weight, but shall be appointed solely on the basis of their ability and competency properly and thoroughly to inspect steam boilers.

Certificates required.

SEC. 5. No person shall act as an inspector of boilers which are under the periodically guaranteed inspection of companies that have complied with the laws of this Commonwealth, unless he holds a certificate of competency as hereinafter provided.

Applications.

SEC. 6. Whoever desires to act as an inspector of boilers, as specified in section five, shall make application upon blanks to be furnished by the chief of the district police. Three members of the boiler inspection department shall act as a board of examiners. The application shall show the total experience of the applicant and shall be accompanied by a letter of request for his examination from the boiler insurance company by whom he is or is to be employed. Willful falsification in the matter of any statement contained in the application shall be deemed sufficient cause for the revocation of said certificate at any time. The applicant shall be examined as to his knowledge of the construction, installation, maintenance and repair of steam boilers and their appendages, and, if found competent, he shall receive a certificate of competency to inspect steam boilers for the boiler insurance company by whom he is or is to be employed, and the certificate shall continue in force during his employment by said company, unless revoked for incompetency or untrustworthiness. When a person ceases to be employed as an inspector by a boiler insurance company the insurance company shall notify the chief of the district police of the matter, giving the reasons therefor. A period of ninety days shall elapse between the dates of examinations, except in the case of an appeal as hereinafter provided. The certificate of competency shall be revoked for the incompetence or untrustworthiness of the holder thereof, and shall remain revoked until a new certificate is issued. If a certificate is lost by fire or other cause a new certificate shall be issued in its place, upon satisfactory proof of such loss, without reexamination.

Examination.

Appeals.

SEC. 7. A person who is refused a certificate of competency, or whose certificate is revoked, may appeal from such decision to the chief of the district police, who shall grant a rehearing of the case by a board of five examiners, no one of whom shall have acted as an examiner in the former instance, whose decision shall be final if approved by the chief of the district police. The applicant shall have the privilege of having one representative of the boiler insurance company by whom he is or is to be employed present during an examination or the hearing of an appeal.

Unlawful inspections.

SEC. 8. Any steam boiler insurance company which issues a certificate of inspection signed by an inspector who does not hold a certificate of competency may have its authority to insure steam boilers revoked by the commissioner of insurance for the Commonwealth. Any person in the employ of a steam boiler insurance company who applies for a certificate of competency as an inspector of boilers before this act takes effect shall be authorized to inspect boilers until his application is passed upon by the proper authority.

Reports.

SEC. 9. The inspectors of the boiler inspection department of the district police shall make reports of all inspections and shall make such recommendations to the chief inspector of boilers as they may deem expedient.

Reports of insurance companies.

SEC. 10. Every insurance company authorized to insure steam boilers within the Commonwealth shall forward to the chief inspector of boilers, within fourteen days after each internal and external inspection of boilers herein required to be inspected, reports of all boilers so inspected by it. Such reports shall be made on blanks furnished by the chief inspector of boilers, and shall contain all orders made by the company regarding the boilers so inspected.

Boilers rejected.

SEC. 11. Every boiler insurance company shall report immediately to the chief inspector of boilers the name of the owner or user and the location of every boiler herein required to be inspected, upon which they have canceled or refused insurance, giving the reasons for so doing.

Heating plants.

SEC. 12. Boilers and their appurtenances used exclusively for heating purposes, but which are not herein required to be inspected, shall be provided with such appliances to insure safety as shall be prescribed by the board of boiler rules, and it shall be the duty of the boiler inspection department to inspect such boilers upon application of the owner.

Owner to prepare boiler.

SEC. 13. The owner or user of a boiler herein required to be inspected which is not insured by a boiler insurance company, shall, after due notice, prepare the boiler for internal and external inspection, at the appointed time, by drawing the water from the boiler and removing the manhole and hand-hole plates. The boiler inspection department shall give the owner at least fourteen days' notice to prepare boilers for this inspection, but shall not be required to give notice of external inspection.

Fee.

SEC. 14. The owner or user of a boiler inspected by the boiler inspection department shall pay to the inspector five dollars for each boiler internally and externally inspected, and two dollars for each visit for external inspection. The inspector shall give receipts for the same, and shall pay all sums so received to the chief inspector of boilers, who shall pay the same to the treasurer of the Commonwealth.

Certificate of inspection.

SEC. 15. If, upon inspection the inspector finds the boiler to be in safe working order, with the fittings necessary to safety, and properly set up, he shall issue to the owner or user thereof a certificate of inspection stating the maximum pressure at which the boiler may be operated, as ascertained by the rules established by the board of boiler rules, and thereupon such owner or user may operate the boiler mentioned in the certificate. If the inspector finds that the boiler is not in safe working condition, or is not provided with fittings necessary to safety, or if the fittings are improperly arranged, he shall withhold his certificate until the boiler and its fittings are put in a condition to insure safety of operation, and the owner or user shall not operate the boiler, or cause it to be operated, until such certificate has been granted.

Marking.

SEC. 16. Every boiler which has been inspected by the boiler inspection department shall be numbered either by stamping the number upon the boiler or by attaching a numbered metal tag by a seal or otherwise to the boiler or its fittings. No person except a member of the boiler inspection department shall deface or remove any such number or tag.

Certificates issued by companies.

SEC. 17. Insurance companies engaged in the business of inspecting and insuring steam boilers shall, after each internal and external inspection, if they deem the boiler to be in safe working condition, issue a certificate of inspection stating the maximum pressure at which the boiler may be operated. This maximum pressure shall be determined under the rules established by the board of boiler rules.

Limit.

SEC. 18. No insurance company shall issue a policy of insurance on a steam boiler for a longer period than three years. If a boiler is insured which has not previously been inspected externally and internally and a certificate of inspection issued, the company so insuring shall forthwith notify the chief of the boiler inspection department of the district police to that effect, and shall inspect such boiler internally and externally within one month after the insurance is effected. No insurance shall be effected on any boiler installed after May first, nineteen hundred and eight, which does not conform to the rules of construction formulated by the board of boiler rules.

Certificate to state what.

SEC. 19. The certificate of inspection issued by the boiler inspection department, or by an insurance company, shall state the name of the owner or user, the location, size and number of the boiler, the date of inspection and the maximum pressure at which the boiler may be operated, under the signature of the person who made the inspection, and shall also contain such quotations from the statutes as shall be deemed necessary by the board of boiler rules, and shall so be placed as to be easily read in the engine room or boiler room of the plant where the boiler is located, except that the certificate of inspection for a portable boiler shall be kept on the premises and shall be accessible at all times.

Safety plugs.

SEC. 20. No person shall use, or cause to be used, a steam boiler, excepting boilers upon motor road vehicles, steam fire engines, boilers in private residences, or boilers under the jurisdiction of the United States, unless it is provided with a fusible safety plug made of lead or some other equally fusible material, as specified by the rules to be established by the board of boiler rules.

Notice of defects.

SEC. 21. The owner or user of any boiler herein required to be inspected shall immediately notify the boiler inspection department, if the boiler is being operated under the inspection of that department, or the insurance company, if it is being operated under its inspection, in case a defect affecting the safety of the boiler is discovered.

Operation to cease, when.

SEC. 22. If the insurance on any boiler herein required to be inspected expires, or is canceled because the insurers deem it unsafe to continue the operation of the boiler, the owner or user shall cease to operate it until it has been put in a safe condition, satisfactory to the insurers, or has been inspected by the boiler inspection department and a certificate of inspection has been issued.

Hydrostatic test.

SEC. 23. If, in the judgment of the inspector or of the insurance company, it is advisable to apply a hydrostatic pressure test to a boiler, the owner or user shall prepare the boiler for such test, as directed by the inspector or by the insurance company.

Board of boiler rules.

SEC. 24. The governor, within thirty days after the passage of this act, with the consent of the council, shall appoint a board of five persons, to be known as the board of boiler rules, of whom the last four shall be appointed to serve as follows: Two for a term of two years each and two for a term of three years each. At the expiration of their terms of office their successors shall be appointed for terms of three years each. The members of the board, other than the chairman hereinafter designated, shall receive for their services the first year in office the sum of five hundred dollars each. Thereafter they shall receive as compensation for their services and reimbursement for their expenses such amount as the governor and council shall order, not exceeding in the aggregate in any one year the sum of one thousand dollars. The board shall be constituted as follows: The chief inspector of the boiler inspection department of the district police, who shall be its chairman; one member representing the boiler using interests; one member representing the boiler manufacturing interests; one member representing the boiler insurance interests; and one member who is an operating engineer.

Clerk.

SEC. 25. The chief inspector of boilers of the boiler inspection department of the district police shall appoint a clerk, who shall be a stenographer, and who shall also act as secretary of the board of boiler rules, and whose salary shall be twelve hundred dollars a year. The necessary expenses of the board, including those of the secretary of the board, incurred in the discharge of their duty during the first year, shall be paid out of the treasury of the Commonwealth, but shall not exceed the sum of fifteen hundred dollars for that year. The attorney-general of the Commonwealth shall furnish all needed assistance to the board in the framing of the rules hereinafter provided for.

Expenses.

Rules.

SEC. 26. It shall be the duty of the board of boiler rules to formulate rules for the construction, installation and inspection of steam boilers, and for ascertaining the safe working pressure to be carried on said boilers, to prescribe tests, if they deem it necessary, to ascertain the qualities of materials used in the construction of boilers; to formulate rules regulating the construction and sizes of safety valves for boilers of different sizes and pressures, the construction, use and location of fusible safety plugs, appliances for indicating the pressure of steam and the level of water in the boiler, and such other appliances as the board may deem necessary to safety in operating steam boilers; and to make a standard form of certificate of inspection.

Governor to approve.

SEC. 27. The rules so formulated shall be submitted to the governor for his approval, and when approved shall have the force of law, and shall be printed and furnished to those requesting them by the boiler inspection department.

Enforcement.

SEC. 28. The boiler inspection department of the district police shall enforce the provisions of the preceding sections, and such rules as shall be promulgated by the board of boiler rules with the approval of

the governor. Whoever violates any provision of this act or of the said rules shall be punished by a fine of not less than twenty nor more than five hundred dollars or by imprisonment for not more than six months, or by both such fine and imprisonment. A trial justice shall have jurisdiction of complaints for violation of the provisions of this act, and in such cases may impose a fine of not more than fifty dollars. All members of the boiler inspection department of the district police shall have authority in the pursuance of their duty to enter any premises on which a boiler is situated, and any person who hinders or prevents or attempts to prevent any member of the boiler inspection department from so entering shall be liable to the penalty specified in this section.

MICHIGAN.

COMPILED LAWS OF 1897.

Fire escapes on factories, etc.

Fire escapes to be provided.

SECTION 5534. It shall be the duty of the owner, proprietor, or lessee of any building, factory, mill, warehouse, or workshop, more than two stories in height, where male or female help is employed above the second story in such building, to provide suitable ladders, or such other fire escapes as may be deemed necessary, for the escape of such help or other persons occupying such building, in cases of fire, as provided in section four of this act [sec. 5536].

Inspection.

SEC. 5536. It shall be the duty of the board of building inspectors, * * * to examine from time to time, at least once in each year, within their respective jurisdictions, any and all such places mentioned in the preceding sections of this act, and to submit without delay to their respective township or village boards, or common council, as the case may be, such recommendations, in addition to the provisions and requirements of this act, as they may deem proper and necessary for the protection against fire, and the escape therefrom, in the several places named in the preceding sections of this act.

Alterations.

SEC. 5537. It shall be the duty of the township or village boards, or common council, as the case may be, on receiving such report, to direct all such needful alterations and additions to such places as recommended for the safety and escape from fire to be made within such reasonable time as they may determine, by causing a written notice to be served on the owner, proprietor, manager, lessee, or keeper of such several places, stating therein fully the alterations and additions to be made, and the time for their completion. * * *

Penalty.

SEC. 5538. If any such owner, proprietor, manager, lessee, or keeper of any such places named in this act shall neglect or refuse to comply with any such requirements within the time and in the manner specified in such notice, he or they shall be liable to a fine of not less than twenty-five dollars, or [nor] more than one hundred dollars, for each and every month that he or they shall fail to comply with the provisions of this act. * * *

ACTS OF 1899.

ACT. No. 202.—*Factories and workshops—Blowers for emery wheels, etc.*

Fans or blowers to be used, when.

SECTION 1. All persons, companies or corporations, operating any factory or workshop, where wheels or emery belts of any description are in general use, either leather, leather covered, felt, canvas paper, cotton or wheels or belts rolled or coated with emery or corundum, or cotton, wheels used as buffs, shall provide the same with fans or blowers, or similar apparatus, when ordered by the commissioner of labor, which shall be placed in such a position or manner as to protest [protect] the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from, or thrown off by such wheels or belts, while in operation, directly to the outside of the building or to some other receptacle placed so as to receive and confine such dust, and the same shall be placed in such factory or work-

shop within three months after this act shall take effect, in the manner and according to the directions and specifications as herein, in this act set forth: *Provided*, That grinding machines upon which water is used at the point of grinding contact shall be exempt from the conditions of this act: *And provided further*, That this act shall not apply to solid emery wheels used in sawmills or planing mills or other woodworking establishments. Proviso.

SEC. 2. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet or cast-iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels or will be thrown in such hood or hopper by centrifugal force and be carried off by the current of air into a suction pipe attached to same hood or hopper. Construction of apparatus.

SEC. 3. Each and every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter with four-inch suction pipe; wheels from twenty-four inches to thirty-six inches in diameter with a five-inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe, not less than six inches in diameter. The suction pipe from each wheel, so specified, must be full sized to the main trunk suction pipe, and the said main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same; and the discharge pipe from the exhaust fan, connected with such suction pipe or pipes, shall be as large or larger than the suction pipe. Suction pipes.

SEC. 4. It shall be the duty of any person, company or corporation operating any such factory or workshop, to provide the necessary fans or blowers to be connected with such pipe or pipes, as above set forth, which shall be run at such a rate of speed as will produce a velocity of air in such suction or discharge pipes of at least nine thousand feet per minute or an equivalent suction or pressure of air equal to raising a column of water not less than five inches high in a U-shaped tube. All branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less. The main suction, or trunk pipe, shall be below the polishing or buffing wheels and as close to the same as possible and to be either upon the floor or beneath the floor on which the machines are placed to which such wheels are attached. All bends, turns or elbows in such pipes must be made with easy smooth surfaces having a radius in the throat of not less than two diameters of the pipe on which they are connected. Velocity of air current, etc.

SEC. 5. It shall be the duty of any factory inspector, sheriff, constable or prosecuting attorney of any county in this State, in which any such factory or workshop is situated, upon receiving notice in writing, signed by any person or persons, having knowledge of such facts, that such factory or workshop, is not provided with such appliances as herein provided for, to visit any such factory or workshop and inspect the same and for such purpose they are hereby authorized to enter any factory or workshop in this State during working hours, and upon ascertaining the facts that the proprietors or managers of such factory or workshops have failed to comply with the provisions of this act, to make complaint of the same in writing before a justice of the peace, or police magistrate having jurisdiction, who shall thereupon issue his warrant directed to the owner, manager or director in such factory or workshop, who shall be thereupon proceeded against for the violation of this act as hereinafter mentioned, and it is made the duty of the prosecuting attorney to prosecute all cases under this act. Enforcement.

SEC. 5a (added by act No. 193, Acts of 1903). No person shall be employed to operate any of the wheels, buffers or belts mentioned in this act in any basement so-called, or any room lying wholly or partly beneath the surface of the ground, unless such workrooms shall be provided with sufficient means of light, heat and ventilation as shall be prescribed by the State factory inspector. Basement rooms.

Penalty.

SEC. 6. Any such person or persons or company or managers or directors of any such company or corporation who shall have the charge or management of such factory or workshop, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not less than twenty-five dollars and not exceeding one hundred dollars, or imprisonment in the county jail not less than thirty days, or exceeding ninety days or both such fine and imprisonment, at the discretion of the court. * * *

Employment of females forbidden.

SEC. 7 (added by act No. 172, Acts of 1905). No female shall be employed in operating or using any of the wheels or belts specified in section one of this act.

The provisions of this act are not violative of the constitution. 66 N. W. Rep. 382.

ACT NO. 209.—*Inspection of steam boilers—Low-water alarms.*

Alarms to be installed, when.

SECTION 1. All stationary steam boilers operated or used, or caused to be operated or used, by any person, firm or corporation within the State of Michigan shall whenever so ordered by the chief factory inspector or any of his duly authorized deputies, have upon them some device which will sound an alarm for the purpose of calling the attention of the engineer, fireman or person in charge of any such boiler to the depth of water in the boiler before the same reaches the danger point: *Provided*, That the kind of device or alarm so used shall be approved by the chief factory inspector of the State; and he or any of his duly authorized deputies shall be authorized to enter upon the premises of any person, firm or corporation within this State for the purpose of inspecting any stationary steam boiler so used or operated.

Proviso.

Unlawful not to use alarm.

SEC. 2. It shall be unlawful for any person, firm or corporation to operate any stationary steam boiler without its having a low-water alarm attached thereto after the chief factory inspector or any duly authorized deputy has ordered the same to be used as specified in section one of this act.

Penalty.

SEC. 3. Any person, the members of any firm or the board of directors of any corporation violating any of the provisions of this act or who shall refuse or neglect to comply with any such order made by the chief factory inspector or his duly authorized deputy shall be guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than ten dollars and costs of prosecution, or by imprisonment in the county jail of the county where such conviction shall be had, or in the State House of Correction and Reformatory at Ionia, for not less than six months nor more than one year, or by both such fine and imprisonment, in the discretion of the court, for each and every offense.

ACTS OF 1901.

ACT NO. 113.—*Inspection of factories and workshops.*

Hoisting shafts, etc.

SECTION 5. It shall be the duty of the owner, agent or lessee of any manufacturing establishment where hoisting shafts or wellholes are used, to cause the same to be properly inclosed and secured. It shall also be the duty of the owner, agent or lessee to provide or cause to be provided at all elevator openings in any manufacturing establishment, workshop, hotel or store such proper trap or automatic doors or automatic gates, so constructed as to open or close by the action of elevators either ascending or descending. The factory inspector, assistant factory inspector, or deputy factory inspector, shall inspect the cables, gearing or other apparatus of elevators in manufacturing establishments, workshops, hotels and stores at least once in each year, and more frequently if necessary, and require that the same be kept in a safe condition.

Fire escapes required.

SEC. 6 (as amended by act No. 140, Acts of 1907). Fire escapes shall be provided for all manufacturing establishments, hotels, stores, theaters, schools, halls, apartment houses and public buildings, two or more stories in height, if in the opinion of the factory inspector it is necessary to insure the safety of persons in such places; said fire escapes

or means of egress, or as many thereof as may be deemed sufficient by the inspector, shall be provided and where it is necessary to provide fire escapes on the outside of such buildings they shall consist of landings and balconies at each floor above the first, to be built according to specifications provided by the factory inspector. Factory inspectors shall in writing notify the owner, agent or lessee of such manufacturing establishments, hotels, stores, theaters, schools, halls, apartment houses and public buildings, of the required location and specifications of such fire escapes as may be ordered.

Stairways.

SEC. 7. Stairways with substantial hand rails shall be provided in manufacturing establishments, and where in the opinion of the factory inspector it is necessary, the steps of such stairs in all such establishments shall be substantially covered with rubber, securely fastened thereon, for the better safety of persons employed in said establishments. The stairs shall be properly screened at sides and bottom where females are employed, and where practicable the doors of such establishments shall swing outwardly or slide, as ordered by said factory inspector, and shall be neither locked, bolted [n]or fastened during working hours.

Belt shifters, guards, etc.

SEC. 8. It shall also be the duty of the owner of any factory, or his agent, superintendent or other person in charge of the same, to furnish or supply, or cause to be furnished or supplied, in the discretion of the factory inspector, where machinery is in use, proper shifters or other mechanical contrivances for the purpose of throwing belts on or off pulleys. All gearing or belting shall be provided with proper safeguards, and wherever possible machinery shall be provided with loose pulleys. All vats, saws, pans, planers, cogs, set screws, gearing and machinery of every description, shall be properly guarded when deemed necessary by the factory inspector.

Fans for dust-creating machinery.

SEC. 9. Exhaust fans shall be provided for the purpose of carrying off dust from emery wheels and grindstones, and dust-creating machinery, wherever deemed necessary by the factory inspector.

Wash rooms, etc.

SEC. 10 (as amended by act No. 169, Acts of 1907). Every manufacturing establishment, workshop, hotel or store in which five or more persons are employed, and every institution in which two or more children, young persons or women are employed, shall be supplied with proper wash and dressing rooms, and kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance, and shall be provided within reasonable access with a sufficient number of water-closets, earth closets or privies for the reasonable use of persons employed therein, at least one of such closets for each twenty-five persons employed; and wherever two or more persons and one or more female persons are employed as aforesaid, a sufficient number of separate and distinct water-closets, earth closets or privies shall be provided for the use of each sex, and plainly so designated and no person shall be allowed to use any such closet or privy assigned to persons of the other sex: *Provided*, That in all hotels where sleeping rooms are provided for female help such rooms shall have proper heat and ventilation.

Time for meals.

SEC. 11. Not less than forty-five minutes shall be allowed for the noonday meal in any manufacturing establishment in this State. Factory inspectors shall have power to issue written permits in special cases, allowing a shorter meal time at noon, and such permit must be conspicuously posted in the main entrance of the establishment, and such permit may be revoked at any time the inspector deems necessary, and shall only be given where good cause can be shown.

Inspectors, Duties.

SEC. 12. The commissioner of labor and deputy commissioner of labor and deputy factory inspectors shall be factory inspectors in the meaning of this act. At least one of which deputy factory inspectors shall be a woman. Said factory inspectors are hereby empowered to visit and inspect at all reasonable hours, as often as practicable or required, the factories, workshops and other manufacturing establishments in this State where the manufacture of goods is carried on, and all hotels where any person or persons are employed, also all stores employing ten or more persons. Deputy factory inspectors shall report to the commissioner of labor of this State at such time and man-

ner as he may require. It shall also be the duty of the factory inspector to enforce all the provisions of this act and to prosecute for all violations of the same before any magistrate or in any court of competent jurisdiction in this State.

The admission of an inspector to a factory is subject to reasonable regulations of the proprietor. Refusing admission by a certain door and directing the use of another affording convenient access is not a violation of the law. 76 N. W. Rep. 89.

Report. SEC. 13. Deputy factory inspectors shall make report to the commissioner of labor of each factory, hotel and store visited and inspected by them, which report shall be kept on file in the office of the commissioner, and a copy of said report shall be left with the owner or person in charge of the establishment visited and inspected. Deputy factory inspectors shall have the same power to administer oaths as is now given to notaries public, in cases where persons desire to verify documents connected with the proper enforcement of this act.

Application of law. SEC. 14 (as amended by act No. 46, Acts of 1903). Sections one, two and three of this act shall apply to all places where goods, wares or products are manufactured, repaired, cleaned, or sorted in whole or in part.

Inspection. SEC. 15. For the purpose of carrying out the provisions of this act, the commissioner of labor is hereby authorized and required to cause at least an annual inspection of the manufacturing establishments, factories and hotels, also all stores employing ten or more persons, in this State. Such inspection may be by the commissioner of labor, the deputy commissioner of labor, or such other person as may be appointed by the commissioner of labor for the purpose of making such inspection. Such persons shall be under the control and direction of the commissioner of labor, and are especially charged with the duties imposed, and shall receive such compensation as shall be fixed by the commissioner of labor, not to exceed three dollars a day, together with all

Compensation. necessary expenses. All compensation for services and expenses provided for in this act shall be paid by the State treasurer upon the warrant of the auditor general: *Provided*, That not more than twenty thousand dollars shall be expended in such inspection in any one year: *And provided further*, That the commissioner of labor shall present to the governor, on or before the first day of February of each year, a report of such inspection, with such recommendation as may be necessary: *And provided further*, That in addition to the above amount allowed for expenses, there may be printed not to exceed one thousand copies of such reports for the use of the labor bureau for general distribution, and all printing, binding, blanks, stationery, supplies or map work shall be done under any contract which the State now has or shall have for similar work with any party or parties, and the expense thereof shall be audited and paid for in the same manner as other State printing.

Report.

Prosecutions. SEC. 16. The prosecuting attorney of any county of this State is hereby authorized and required upon the complaint on oath of the commissioner of labor or factory inspectors, to prosecute to termination before any court of competent jurisdiction, in the name of the people of the State, actions or proceedings against any person or persons reported to him to have violated the provisions of this act.

Manufactures in tenements. SEC. 17 (as amended by act No. 169, Acts of 1907). No room or apartment in any tenement or dwelling house shall be used for the manufacture of coats, vests, trousers, knee pants, overalls, skirts, dresses, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waistbands, underwear, neckwear, furs, fur trimmings, fur garments, shirts, hosiery, purses, feathers, artificial flowers, cigarettes or cigars, and no person, firm or corporation shall hire or employ any persons to work in any room, apartment or in any building or parts of buildings, at making, in whole or in part, any of the articles mentioned in this section, with-

Permits. out first obtaining a written permit from the factory inspector, or one of his deputies, stating the maximum number of persons allowed to be employed therein and that the building or part of building intended to be used for such work or business is thoroughly cleaned, sanitary and fit for occupancy for such work or business. Such permit shall not be granted until an inspection of such premises is made by the factory inspector or one of his deputies. Said permit may be revoked by the factory inspector at any time the health of the community or of those so employed may require it: *Provided further*, That in all stores

where goods are manufactured, altered or repaired, work rooms shall be provided with sufficient light, heat and ventilation, as prescribed in this section. It shall be framed and posted in a conspicuous place in the room, or in one of the rooms to which it relates. Every person, firm, company or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the incomplete material from which they or any of them are to be made, or to be wholly or partially finished, shall, before contracting for the manufacture of any of said articles, or giving out said material from which they or any of them are to be made, require the production by such contractor, person or persons of said permit from the factory inspector, as required in this section, and shall keep a written register of the names and addresses of all persons to whom such work is given to be made, or with whom they may have contracted to do the same. Such register shall be produced for inspection and a copy thereof shall be furnished on demand made by the factory inspector or one of his deputies: *Provided*, That nothing in this section shall be so construed as to prevent the employment of a seamstress by any family for manufacturing articles for such family use. None of the work mentioned in this section shall be done in any room or apartment used for living or sleeping purposes, or which is connected with a room or rooms used for such purposes, and which has not a separate and distinct outside entrance, except by members of the family dwelling therein. Not less than two hundred and fifty cubic feet of air space shall be allowed for each person employed, and all workrooms shall be provided with sufficient means of light, heat and ventilation as may be prescribed by the chief factory inspector. It shall be the duty of local boards of health, health officers and physicians to report within twenty-four hours to the deputy factory inspector in their respective districts each and every case of contagious or infectious disease coming officially to their knowledge. The chief factory inspector or any duly appointed deputy factory inspector shall have power to seize and take charge of all articles found that are being made or partially made, finished, cleaned or repaired in unhealthy or unsanitary places where there are contagious or infectious diseases, in violation of the law, and may proceed to disinfect, condemn or destroy the same as in the opinion of the local board of health officer, the public health or safety may require. Whenever it is reported to the chief factory inspector or to the State board of health, or to either of them, that any of the articles named in this section are being or have been shipped into this State, having previously been manufactured in whole or in part under unhealthy conditions, said chief factory inspector shall examine said goods and the condition of their manufacture, and if upon such examination said goods or any of them are found to contain vermin or to have been made in improper places or under unhealthy conditions, he shall make report thereof to the State board of health, which board shall thereupon make such order or orders as the public health and safety may require: *Provided further*, That in stores where goods are manufactured, altered or repaired, workrooms shall be provided with proper heat, light and ventilation, as prescribed in this section.

Registers.

Air space.

Diseases.

SEC. 18. Any person who violates or omits to comply with any of the foregoing provisions of this act, or who interferes in any manner with the factory inspector in the discharge of his duties, or who suffers or permits any child to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than five nor more than one hundred dollars or by imprisonment for not less than ten nor more than ninety days, or by both such fine and imprisonment in the discretion of the court.

Penalties.

ACTS OF 1903.

ACT No. 87.—*Inspection of factories—Duty to make improvements.*

SECTION 1. Whenever fire escapes, elevator protection or repairs, water-closets and other permanent improvements to buildings are ordered by factory or deputy factory inspectors under the provisions of act one hundred thirteen, session laws of nineteen hundred one, said

Owner to make improvements.

improvements shall be made by the owner of the building or premises where such improvements are ordered: *Provided*, That nothing in this section shall be construed to interfere with any contract between owner and tenant whereby the tenant agrees to make such improvements when ordered by factory or deputy factory inspectors.

Proviso.

Tenant may deduct cost.

SEC. 2. Whenever the owner of any building or premises, as mentioned in section one of this act, is a nonresident of this State, the tenant shall make such improvements and may deduct the cost thereof from the amount of rent for use of said premises.

ACTS OF 1907.

ACT No. 124.—*Guards to be placed on corn huskers.*

Sale or use of unguarded huskers.

SECTION 1. Hereafter it shall be unlawful for any person, partnership, association or corporation, or for any officer or agent thereof, to sell or offer for sale, or to use within the State of Michigan, the machine commonly known as a corn husker, unless the same is safeguarded by an automatic feeder or other safety device, that shall compel the person, or persons, feeding said machine, to stand at a reasonably safe distance from the snapping rollers, and designed effectually to protect the person or persons operating the same from bodily injury while engaged in such operation.

Violations.

SEC. 2. Any person, partnership, association or corporation, or officer or agent thereof, who shall be found guilty of a violation of the provisions of section one of this act, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or by both such fine and imprisonment, in the discretion of the court.

ACT No. 152.—*Iron foundries—Inspection, etc.*

Drafts.

SECTION 1. All entrances to foundries shall be constructed and maintained so as to minimize drafts.

Passageways.

SEC. 2. All passageways in foundries, now in operation or hereafter to be built, shall be constructed and maintained of sufficient width to make them reasonably safe for the workmen, and no unnecessary obstructions shall be allowed in such passageways during the hours of casting.

Ventilation.

SEC. 3. Whenever a foundry is so constructed or operated that smoke, steam, dust or noxious gases are not promptly carried off by the general ventilation, exhaust fans shall be provided. No salamanders or open fireplaces shall be used unless ample provision is made for conveying the gases arising therefrom directly from the building.

Light and warmth.

SEC. 4. Foundries shall be reasonably well lighted throughout working hours, and reasonably well heated during the cold and inclement weather. Hot water shall be kept available for washing purposes during the season in which artificial heating is necessary. When it is thought necessary and advisable by a State factory inspector, facilities shall be provided for drying the clothing of persons employed therein.

Guards and stairways.

SEC. 5. All pits around furnaces in any such foundry shall be covered with substantial iron gratings, unless a special permit to use wood for such purposes is granted by the State factory inspector. All stairways around such furnaces shall be constructed of iron.

Bandages, etc.

SEC. 6. There shall be kept on hand at all times in every foundry a reasonable supply of limewater, sweet oil, vaseline, bandages and absorbent cotton for use of the workmen in case of burns or accident.

Enforcement.

SEC. 7. It is hereby made the duty of each and every State factory inspector to enforce a reasonable compliance with the provisions of this act.

Definition.

SEC. 8. Any place or establishment where metal castings or cores are made shall be deemed a foundry within the meaning of this act. The commissioner of labor, or his deputy, or any person authorized by such commissioner to act as factory inspector, or deputy factory inspector, shall be deemed a State factory inspector within the meaning of this act.

SEC. 9. Any person who shall violate any of the provisions of this act, whether as owner, lessee, manager, agent, servant or employee, shall be deemed guilty of a misdemeanor and on conviction thereof in any court of competent jurisdiction, shall be punished by a fine of not less than five nor more than one hundred dollars, and costs of prosecution, or by imprisonment in the county jail of not less than ten days nor more than three months, or by both such fine and imprisonment in the discretion of the court. Violations.

ACT NO. 252.—*Mattress factories—Hair-picking machines.*

SECTION 1. All persons, companies, or corporations operating any upholstering or mattress establishments or other establishments, factory or place where hair, moss, tow, or cotton is used for filling, shall provide the same with hair-picking machines when ordered by the commissioner or deputy commissioner of labor, which shall be placed in such a position or manner as to carry away the dust arising from or thrown off by such machines while in operation directly to the outside of the building or to some other receptacle established so as to receive and confine such dust, and the same shall be placed within such establishment, place or factory within three months after having been ordered to be so placed by the commissioner or deputy commissioner of labor. Machines may be required.

SEC. 2. Any person or persons or company or managers or directors of any such company or corporation who shall have the charge or management of such establishment, factory, or place, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof in a court of competent jurisdiction, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars or by imprisonment in the county jail of not less than thirty nor more than ninety days, or by both such fine and imprisonment in the discretion of the court. Violations.

MINNESOTA.

REVISED LAWS OF 1905.

Inspection of factories and workshops.

SECTION 1813. All saws, planers, wood shapers, jointers, sandpapering machines, and ironing mangles; all set screws, drums, and machinery, including belts, shafting, cables, and fly wheels; all electrical dynamos and other dangerous electrical apparatus and appliances; and all vats, pans, or other receptacles containing molten metal or boiling liquid, in any factory, mill, or workshop, shall be so located as not to be dangerous to workmen, or, as far as practicable, shall be fenced or otherwise protected. Every dangerous place in or about factories, mills, workshops, and engineering work, near to which any employee is obliged to pass or to be employed, shall be securely fenced, inclosed, or otherwise protected. No grindstone, emery wheel, or machine in any factory, mill, or workshop shall be used when the same is known to be cracked or otherwise defective. Guards to be provided.

SEC. 1814. Every owner of a factory, mill, or workshop where machinery is in use shall furnish or cause to be furnished, wherever practicable, belt shifters or other safe mechanical contrivances for the purpose of throwing on or off belts or pulleys; and, whenever practicable, machinery shall be provided with loose pulleys. Exhaust fans shall be provided for carrying off dust from emery wheels and grindstones. Belt shifters. Fans.

SEC. 1815. Every hoisting apparatus used in the construction of any building, every hoistway, hatchway, elevator well, and wheel hole in any factory, mill, workshop, storehouse, wareroom, or store, shall be securely protected on each floor by a barrier at least four feet high, which shall be kept closed except when necessarily opened for use. Every elevator car used for either freight or passengers shall be provided with some suitable mechanical device by which it can be securely held in the event of accident to the rope or hoisting machinery; but an ele- Elevator shafts.

vator whose owner is insured against loss from personal injuries caused thereby, by any authorized insurance company, shall not be subject to supervision by the bureau of labor.

Means of egress. SEC. 1816. Every factory, mill, and workshop or other buildings in which laborers are employed shall be provided with sufficient means of escape in case of fire, by more than one way of egress, each of which shall be at all times free from obstruction and ready for immediate use. Every door leading in or to any such factory, mill, or workshop shall be so constructed as to open outward, when possible, and shall not be so fastened during working hours as to prevent free egress. Substantial hand rails shall be provided on all stairways in every factory, mill, or workshop; and, where females are employed, the stairs regularly used by them shall be properly screened at the sides and bottom.

Fire escapes. SEC. 1817. If any such factory, mill, or workshop be more than two stories high, it shall be provided with at least one fire escape, and as many more as the labor commissioner may require. Every such fire escape shall be on the outside of the building, connecting on each floor above the first with at least two openings; shall be well fastened and secured, with landings not less than six feet in length and three in width, guarded by an iron railing not less than three feet in height. Such landings shall be connected by iron stairs, not less than two feet wide, and with steps of not less than six inches tread, placed at an angle of not more than forty-five degrees, and protected by a well-secured hand rail on both sides, with a drop ladder, twelve inches wide, reaching from the lower platform to the ground. Such fire escape shall be sufficient if constructed on any other plan approved by the labor bureau. The openings to each fire escape shall be, as far as practicable, from the stairways and elevator shafts, and the ladder of each fire escape shall extend to the roof. Stationary stairs or ladders shall also be provided on the inside from the upper story to the roof. Every such factory, mill, and workshop more than two stories high shall also be provided with inside and outside standpipes, and with hose connected therewith, as required in the case of hotels of the same height, and with one chemical fire extinguisher on each floor, always ready for use.

Ventilation. SEC. 1818. Every factory, mill, and workshop shall be kept clean and free from effluvia arising from any sewer, drain, or privy; be properly ventilated; and provided with privies for the separate use of male and female employees, properly screened, and at all times kept in a sanitary condition. Whenever the labor performed is such as to require a change of clothing, separate dressing rooms shall be provided for the sexes.

Bakeries, etc. SEC. 1819. Every bakery and confectionery establishment shall be of good workmanship, well drained, and constructed and plumbed according to established sanitary principles. Every room used for the manufacture, storage, or sale of bread or other food products shall be light, dry, and airy. The floors and walls of every room used for the manufacture of such food products shall be so constructed as to exclude rats and other vermin, be at all times free from moisture, and kept in good repair. Its floor shall have a smooth surface, constructed of wood, cement, or tile laid in cement, save that, when it is more than four feet below the level of the street or adjacent ground, it shall never be constructed of wood. Its walls and ceilings shall be whitewashed at least once in three months, and the floors, utensils, and furniture of such room, and of every room used for the storage or sale of such food products, shall be so arranged as to be easily kept clean, and, together with the wagons used for its delivery, shall be kept in a clean and sanitary condition. No water-closet, earth closet, privy, ash pit, or sleeping room for workmen shall be in, or communicate directly with, any bake room or with the kitchen of any hotel or public restaurant.

Removing guards, etc. SEC. 1820. No employee in any factory, mill, workshop, or upon any engineering work, nor any other person, by permission or otherwise, shall remove, displace, or destroy any guard for dangerous machinery, or other safety device, which the employer shall have provided under the requirements of this chapter or any other law, save under rules established by the employer therefor.

Accidents.

SEC. 1821. Whenever any accident to an employee, resulting in death or requiring the aid of a surgeon, occurs in connection with any factory, mill, workshop, or any engineering work, the employer, superintendent, or agent in charge, within ten days thereafter, shall furnish the labor commissioner with written notice thereof, stating as fully as possible the time and place of its occurrence, the name and residence of the person killed or injured, and, in case of injury, the place to which he has been removed.

Violations.

SEC. 1824. Every person who violates or fails to comply with any requirement of this chapter, or disregards any order, notice, or direction of any member or employee of the labor bureau made in accordance with its provisions, or who obstructs or interferes with any inspection being made pursuant thereto, shall be guilty of a misdemeanor, the minimum penalty whereof shall be a fine of twenty-five dollars, or imprisonment for fifteen days. But whenever notice is required before prosecution, no criminal proceeding shall be commenced until thirty days after such notice, nor then, if within such time the requirements of the notice have been met: *Provided*, That if such requirement be to put a water-closet or privy in sanitary condition, where the only defect is due to carelessness in its management, only forty-eight hours shall be allowed. In case of application to the court to restrain, the time aforesaid shall not begin to run until the decision thereon.

Inspection of steam boilers.

Board of inspectors.

SECTION 2168. In the month of January in every odd-numbered year the governor shall appoint a board of inspectors, consisting of one resident of each senatorial district, except that where there is more than one senatorial district in any county there shall be but one inspector in such county. Such inspectors shall inspect all steam boilers in use in the State, not subject to inspection under the laws of the United States and not hereinafter excepted, and examine and grant certificates of license to steam engineers intrusted with the management of steam boilers, except those in heating plants in private residences. They shall examine and license all masters and pilots on inland waters of the State, as nearly as may be according to the regulations provided by the laws of the United States. Each shall hold office for the term of two years, commencing February 1, unless sooner removed by the governor. Annually on or before January 31 each shall render a report to the secretary of state, containing a detailed statement of the number of inspections made and licenses issued, the amount of fees received therefor, and the amount of disbursements of their offices. The secretary of state shall include in his biennial report a summary of such report.

Boiler inspectors.

SEC. 2169. Every boiler inspector shall be a man of good moral character, and qualified by experience in the construction of steam boilers, and shall have had at least ten years' actual experience in operating steam engines and boilers. He shall not be directly or indirectly interested in the manufacture or sale of boilers or steam machinery, or in any patented article required or generally used in the construction of engines or boilers.

Deputies.

SEC. 2170. Each boiler inspector may appoint one or more deputies, who shall possess the same qualifications and have the same authority as are prescribed for inspectors in sec. 2169. Each such deputy, before entering upon the duties of his office, shall take and subscribe the oath required by law, and file the same with the secretary of state.

Duties of inspectors.

SEC. 2171. In February of each year said inspectors shall meet as a board, at the capitol in St. Paul, and establish regulations for the inspection of vessels and boilers, and for the performance of their other duties. They shall prescribe regulations for the inspection of the hulls, machinery, boilers, steam connections, fire apparatus, life-saving appliances, and equipments of all vessels propelled in whole or in part by steam and navigating the inland waters of the State, which shall conform as near as may be to the requirements of the United States in similar cases, and when approved by the governor such regulations shall have the force of law. They shall designate the number of passengers that each steam vessel may safely carry, and no such vessel shall carry

a greater number than is allowed by the inspector's certificate. Any owner, master, or other person violating any regulation prescribed by said board shall be guilty of a misdemeanor.

Duties of owners, etc.

SEC. 2172. Every owner, lessee, or other person having charge of steam boilers, or any boat propelled in whole or in part by steam, not subject to inspection under the laws of the United States, shall cause the same to be inspected at least once each year by the boiler inspector; and every such owner, lessee, or person in charge who shall raise steam or operate such boilers and machinery without such inspection shall be guilty of a misdemeanor.

Annual inspections.

SEC. 2173. On the written application of its owner, lessee, or manager, the inspector shall inspect the hull, boiler, machinery, and equipments of each vessel and boiler subject to inspection under this chapter, once at least in each year. * * *

Inspection to precede use.

SEC. 2175. Such inspectors shall inspect all steam boilers and steam generators before the same shall be used, and all such boilers at least once each year thereafter. They shall subject all boilers to hydrostatic pressure or hammer test, and ascertain by a thorough internal and external examination that they are well made and of good and suitable material; that the openings for the passage of water and steam respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstructions; that the flues are circular in form; that the arrangements for delivering the feed water are such that the boilers can not be injured thereby; and that such boilers and their steam connections may be safely used without danger to life or property. They shall also ascertain that the safety valves are of suitable dimensions, sufficient in number, and properly arranged, and that the safety valve weights are so adjusted as to allow no greater pressure in the boilers than the amount prescribed by the inspector's certificate; that there is sufficient number of gauge cocks, properly inserted, to indicate the amount of water, and suitable gauges that will correctly record the pressure of steam; and that the fusible metals are properly inserted so as to fuse by the heat of the furnace whenever the water in the boiler falls below its prescribed limit; and that provisions are made for an ample supply of water to feed the boilers at all times, so that in high-pressure boilers the water shall not be less than three inches above the top of the fire surface; and that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts when under pressure of steam.

Tests.

SEC. 2176. In subjecting high-pressure boilers to the hydrostatic test, the inspector shall assume one hundred and twenty-five pounds to the square inch as the maximum working pressure allowable for new boilers forty-two inches in diameter, double riveted, and made in the best manner, of plates one-fourth of an inch thick and of good material; but he shall rate the working power of all high-pressure boilers according to their strength compared with this standard, and in all cases the test applied shall exceed the working power allowed in the ratio of one hundred and sixty-five to one hundred and ten. In subjecting low-pressure boilers to hydrostatic tests, he shall allow as a working power for each new boiler a pressure of only three-fourths the number of pounds to which it has been so subjected. If any inspector is of opinion that any boiler will not safely allow so high a working pressure, he may, for reasons specially stated in his certificate, fix the pressure at less than the test pressure. No boiler or steam pipe, nor any of the connections therewith, which are made wholly or partly of bad material, or of cast iron, or which are unsafe from any cause, shall be approved. But this shall not be construed to prevent the use of any boiler or steam generator not constructed of riveted iron or steel plates, when the inspector is satisfied by evidence that such boiler or generator is equal in strength to, and as safe from explosion as, boilers of the best quality, constructed of riveted steel or iron plates.

Faulty construction.

SEC. 2177. Every person who shall construct a boiler or steam pipe of iron or steel plates known to be faulty or imperfect, or shall drift any rivet hole to make it come fair, or who shall deliver any such boiler for use, knowing it to be imperfect in its flues, flanging, riveting, bracing,

or in any other of its parts, shall be guilty of a gross misdemeanor, and punished by a fine of two hundred dollars, one-half of which shall be paid to the informer.

Unsafe boilers.

SEC. 2178. In addition to the annual inspection, the inspectors at any time, when in their opinion such examination shall be necessary, shall examine all boilers which have become unsafe, and notify the owners or operators of any defect, and what repairs are necessary; and such a boiler shall not thereafter be used until so repaired. Every person operating any such boiler who fails to comply with the inspector's requirements shall be guilty of a misdemeanor, and also liable for damages to persons or property resulting therefrom.

Fusible plug.

SEC. 2179. Every steam boiler shall be provided with a fusible plug, of good banca tin, inserted in the flues, crown sheet, or other parts of the boiler most exposed to the heat of the furnace when the water falls below the prescribed limits.

Access to be allowed.

SEC. 2180. Every owner or manager of a steam boiler shall allow inspectors full access to the same, and every engineer operating the same shall assist the inspector in his examination and point out any known defect in the boilers or machinery in his charge. No person shall be intrusted with the operation of any steam boiler or steam machinery who has not received a license so to act, which license shall be renewed biennially. Every person who shall violate any provision of this section shall be guilty of a misdemeanor, and punished by a fine of not less than ten dollars nor more than fifty dollars.

Inspections may be joint.

SEC. 2183. In making the inspection of boilers, machinery, or steam vessels, the inspectors may act jointly or separately, but shall in all cases verify the certificate of inspection. Every inspector who shall willfully certify falsely regarding any steam boiler or its attachments, or the hull and equipments of any steam vessel, or who shall grant a license to any person to act as engineer, master, or pilot contrary to the provisions of this chapter, shall be guilty of a felony, and be punished by a fine of not less than fifty dollars nor more than five hundred dollars, or by imprisonment in the State prison for not more than one year, or by both. In addition to such punishment, he shall forthwith be removed from office.

Certificates.

SEC. 2184. After examination and tests, if the inspector shall find any steam boiler or generator safe and suitable for use, he shall deliver to the secretary of state a verified certificate, in such form as the board of inspectors shall prescribe, containing a specification of the tests applied and the working power allowed, a copy of which the inspector shall furnish to the owner of the boiler or generator, who shall post and keep the same in a conspicuous place on or near such boiler or generator. The inspector shall be entitled to a fee of three dollars for the inspection of each single boiler and its steam connections, and two dollars for each additional boiler when connected and inspected at the same time, payable on delivery of the certificate. The fee for an engineer's license, and for each biennial renewal, shall be one dollar, which shall accompany the application.

Fee.

Application of law.

SEC. 2186. The provisions of this chapter shall not apply to railroad locomotives, to locomotive engineers employed by railroad companies, or to boilers insured by insurance companies and certified by their authorized inspectors to be safe.

Smoking in factories.

Smoking prohibited, when.

SECTION 5145. Every person who shall light a pipe or cigar in, or shall enter with a lighted pipe or cigar, any mill or other building on which is posted in a conspicuous place, over or near each principal entrance, a notice, in plain, legible characters, stating that no smoking is allowed in such building, and every person who shall deface, destroy, or remove any such notice, shall be guilty of a misdemeanor, and punished for each such offense by a fine of ten dollars.

ACTS OF 1907.

CHAPTER 356.—*Bureau of labor industries and commerce.*

Officers of bureau.

SECTION 1. The bureau of labor industries and commerce shall consist of a commissioner of labor, an assistant commissioner, and a statistician, and shall have its office in the capitol. The commissioner shall be appointed by the governor, by and with the advice and consent of the senate, for a term ending on the first Monday of January in the odd numbered year next ensuing. The other two members shall be appointed for like terms by the commissioner, but all the members shall hold office until their respective successors qualify. The commissioner shall also appoint, and at pleasure remove, three deputy commissioners, five factory inspectors, five assistant factory inspectors, and such other employees as may be necessary, and for whose compensation provision is made by law. Two of the said factory inspectors shall act as inspectors of railroads. The factory inspectors and the assistant factory inspectors must be persons possessed of practical experience and knowledge in and of the operation of factories, and the appointment of any not so qualified shall be void. The commissioner shall be the head of the bureau, and may assign any other member or employee thereof to any duty imposed thereon by law.

Inspectors, etc.

Definitions.

SEC. 2. The words "factory" and "mill," as used in this chapter, shall mean any premises where water, steam, or other mechanical power is used in aid of any manufacturing or printing process there carried on. The term "workshop," as so used, shall mean any premises, room, or place, not factory or mill as above defined wherein manual labor is exercised by way of trade, or for purposes of making, altering, repairing, cleaning, ornamenting, finishing, or adapting for sale any article or part thereof, and to or over which premises, room, or place, the employer of such labor has the right of access or control; but the exercise of such labor in a private house or room by members of the family dwelling therein, or by persons, a majority of whom are members of such family, shall not of itself constitute such house or room a workshop. The term "engineering work," as so used shall mean any work of construction, operation, alteration, or repair of a railroad or street railway, of the works of any gas, telephone, telegraph, water, electric light, or mining company, or upon any sewer, bridge, tunnel, or building erected by a municipality. But nothing herein shall interfere with the powers conferred by law upon the board of railroad and warehouse commissioners.

Duties of bureau.

SEC. 3. The bureau shall enforce all laws regulating the employment of minors and women, for the protection of the health, lives, limbs, and rights of the working classes, and those prescribing the qualifications of persons in trades and crafts, and whenever requested by the proper school authorities of any school district shall also be clothed with the same powers for the enforcement of the compulsory education and truancy laws as those conferred on truant officers by section 1448, Revised Laws of 1905. It shall gather statistics relating to all branches of labor, to labor troubles and unions, to Sunday labor, to the industrial and social condition of the laboring classes, and to the condition of industries, commerce and agriculture. In the discharge of its duties, the members and employees of the bureau may enter and inspect any factory, mill, workshop, hotel, restaurant or engineering work at all reasonable times, and give such directions as may be necessary to enforce the laws. They also may enter any store, theater, amusement hall, bowling alley, pool room and place where intoxicating beverages are sold, for the purpose of enforcing the child labor and school attendance laws or other duties imposed upon them. Any member of the bureau may issue subpœnas and take testimony, and compel the attendance of witnesses, and shall have authority to administer oaths and take testimony under oath, but no person shall be compelled to attend as a witness unless he has been paid the fees provided for witnesses in the district court.

Reports from employers.

SEC. 4. On request of the bureau, and within the time limited therein, every employer of labor shall make a certified report to the bureau upon blanks furnished by it, of all matters covered by the request. The

names of persons or concerns supplying such information shall not be disclosed. Every notice, order, or direction given by the bureau shall be in writing, signed by a member of the bureau, and be served by him, or by any officer or disinterested person, as a summons is served in the district court. Papers so served and all records and documents of the bureau are hereby declared public documents, and shall not be destroyed within two years after their return or receipt by the bureau.

Appeals.

SEC. 5. Within ten days after the service of any such order or direction of the bureau, any person aggrieved may apply to a judge of the district court for an order restraining its enforcement, and upon not more than thirty days' notice a hearing may be had before such court, or before three impartial expert referees appointed by the court, who shall file their report within ten days after the hearing. The court may alter, annul, or affirm the order or direction complained of; the decision to be based upon the hearing by the court, or upon the report of the referees. Such decisions shall take the place of the original order. In case of affirmance, the losing party shall pay reasonable compensation to the referees, to be fixed by the courts; if the decision be against the order, such compensation shall be paid out of the appropriation for the support of the bureau.

Violations.

SEC. 6. Whenever the bureau learns of a violation of a local ordinance for the protection of employees it shall give written notice thereof to the proper municipal authorities, and take any steps permissible under the ordinance for its enforcement. If such violation be also a violation of the State law, and such local authorities fail to enforce the ordinance within thirty days after receiving from any person written notice of its violation, the bureau, upon petition of such person, shall investigate the same, and take steps to enforce the law.

Reports of bureau.

SEC. 7. The bureau shall report to the legislature at each regular session. Such report shall contain an account of the doings of the bureau, the statistics gathered by it, a statement of all violations of law which have come to its knowledge, and any proceedings had in consequence, and such recommendations as the commissioner deems proper. The report shall be printed and distributed as in the case of other executive documents. The commissioner shall also be empowered to issue and have distributed special reports or bulletins on subjects of investigation by the bureau, of special interest to the welfare and prosperity of the State. Such special reports shall be printed as in the case of other executive documents.

Offenses.

SEC. 8. Any officer, agent, or employee of the bureau who shall disclose the name of any person supplying information at the request of the bureau shall be guilty of a gross misdemeanor. Any person who, having been duly subpœnaed, shall refuse to attend or testify in any hearing held under the direction of said commissioner shall be guilty of a misdemeanor. Any owner or occupant of any factory, mill, workshop, engineering works, store or other place enumerated in section 3 of this act, or the agent of such person, who shall refuse to admit thereto any officer, agent, or employee of the bureau seeking entrance in the discharge of his duty, shall be guilty of a misdemeanor.

Salaries.

SEC. 9. The commissioner shall receive a salary of twenty-six hundred dollars per year, the assistant commissioner eighteen hundred dollars; and the statistician thirteen hundred dollars. One of said deputy commissioners shall receive twelve hundred dollars per year, and two of said deputy commissioners shall receive eleven hundred dollars each per year; the five factory inspectors shall receive eleven hundred dollars each per year, and the five assistant factory inspectors shall receive one thousand dollars each per year, and the other employees of the bureau such reasonable pay as the commissioner may fix, not exceeding four dollars per day of actual service. The necessary traveling and other expenses of each shall be paid by the State, but no more than ten thousand dollars in addition to the annual salaries shall be expended by the bureau in any one year.

CHAPTER 456.—*Factories, workshops, etc.—Female inspector.*

Female inspector.

SECTION 1. The commissioner of labor is hereby authorized and directed to appoint, in addition to the other employees of his department, a competent woman as a special inspector, who shall have all the

rights and powers possessed by the other inspectors in the bureau of labor, whose special duty it shall be to examine into the sanitary conditions in all factories, workshops, hotels or restaurants, and all places where women are employed, and report to the bureau any violations of the law, and the existence of any conditions or practices which detract from the general well-being of the women so employed at any such places. The recommendations of said special inspector as to any new laws that may be necessary for the advancement of the interests of women laborers shall be reported by the commissioner of labor to the next legislature.

MISSISSIPPI.

CODE OF 1906.

Factories and workshops—Doors to swing outwardly.

Doors to open outwardly.

SECTION 2272. All the doors for ingress and egress to * * * factories with more than twenty employees * * * shall be so swung as to open outwardly from the * * * workshops; but such doors may be hung on double-jointed hinges, so as to open with equal ease outwardly or inwardly.

Penalty.

SEC. 2277. Any architect, carpenter, or builder, or the owner or other person, who may hereafter erect or cause to be erected, or aid in erecting, any hotel or other house or structure for the construction of which provisions are made in this chapter, who shall refuse or fail to comply in the erection or construction thereof, with such provisions, shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding five hundred dollars.

Separate offenses.

SEC. 2278. Every days' omission or failure by any person to do whatever under the provisions of this chapter is required to be done or provided, shall be considered and treated as a separate offense.

MISSOURI.

REVISED STATUTES OF 1899.

Factories and workshops—Inspection, etc.

Inspector.

SECTION 6431. It is hereby made the duty of the public authorities of each city in this State, with a population of five thousand inhabitants or more, to appoint an inspector, with deputies, where the same are necessary, to be paid by the cities such reasonable compensation as may be prescribed by ordinance, whose duty it shall be to make frequent inspections of all factories employing exceeding ten persons, and said inspectors may perform such duties as may be prescribed by ordinance, and shall make semiannual reports to the State labor commissioner, and shall also cause any violation of the provisions of this article to be brought to the attention of the grand juries of their respective counties. The duties by this section devolved upon an inspector may, under such regulations as may be prescribed by ordinance, be performed by any city officer designated by ordinance of such city for the purpose.

Accidents to be reported.

SEC. 6432. All accidents in manufacturing, mechanical, mercantile or other establishments or places within this State where labor is employed, which prevent the injured person or persons from returning to work within two weeks after the injury, or which result in death, shall be reported by the person in charge of such establishment or place to the commissioner of labor, or deputy inspector, or one of the assistant inspectors provided for by this article, and also to the city or county physician, when there be such an officer, which notice may be given by mail.

Belting, etc., to be guarded.

SEC. 6433. The belting, shafting, gearing and drums, in all manufacturing, mechanical and other establishments in this State, when so placed as to be dangerous to persons employed therein or thereabout

while engaged in their ordinary duties, shall be safely and securely guarded when possible; if not possible, then notice of its danger shall be conspicuously posted in such establishments.

This section was not intended to make the master an insurer of the safety of his servant, but to increase the degree of care required by the common law. 71 Mo. App. 163.

Failure to comply with the statute is negligence. 160 Mo. 608.

The doctrine of the assumption of risk does not stand in the way of the injured employee's recovery unless his own carelessness caused the injury. 77 S. W. Rep. 1017.

It does not abolish the defense of assumption of risk, nor does it deprive parties of their right to contract regarding the risks of their occupations. 126 Fed. Rep. 495

Cleaning, moving machinery, etc.

SEC. 6434. No minor or woman shall be required to clean any part of the mill, gearing or machinery in any such establishment in this State, while the same is in motion, or work between the fixed or traversing parts of any machine, while it is in motion by the action of steam, water or other mechanical power.

Hatchways, etc., to be guarded.

SEC. 6435. The openings of all hatchways, elevators and wellholes upon every floor of every manufacturing, mechanical or mercantile or public building in this State, shall be protected by good and sufficient trapdoors or self-closing hatches or safety catches, or strong guard rails at least three feet high, and all due diligence shall be used to keep such trapdoors closed at all times, except when in actual use by the occupant of the building having the use and control of the same.

Fire escapes

SEC. 6436. All manufacturing, mechanical, mercantile or other establishments in this State, of two or more stories in height, in which twenty or more persons are employed above the first floor thereof, shall be provided with at least one or more outside iron fire escapes. For every twenty persons employed on every floor above the second floor of such establishment, there shall be one rope or portable fire escape, and each story shall be amply supplied with means for extinguishing fire.

Doors to open outwardly.

SEC. 6437. In all such establishments the main doors, both inside and outside, shall open outwardly, when the inspector, in writing so directs; and no outside or inside door of any building wherein labor is employed shall be so locked, bolted or otherwise fastened during the hours of labor as to prevent egress.

Lime wash or paint to be used.

SEC. 6438. Every factory and workshop in this State where women and children are employed, and where dusty work is carried on, shall be limewashed or painted at least once in every twelve months.

Placing explosives near egress.

SEC. 6439. No explosive or inflammable compound shall be used in any establishment in this State where labor is employed, in such place or manner as to obstruct or render hazardous the egress of operatives in case of fire.

Wash rooms for women.

SEC. 6440. In every factory, workshop or other establishment in this State where girls or women are employed, where unclean work of any kind has to be performed, suitable places shall be provided for such girls or women to wash and dress, and stairs in use by female employees shall in all such establishments be properly screened.

Water-closets.

SEC. 6441. Separate water-closets shall be provided for the use of employees of either sex in manufacturing, mechanical, mercantile and other establishments in this State where persons of both sexes are employed.

Ventilation.

SEC. 6442. All manufacturing, mechanical, mercantile and other establishments in this State shall be so ventilated as to render harmless all impurities, as near as may be.

Seats for female employees.

SEC. 6443. In every manufacturing, mechanical, mercantile and other establishment in this State wherein girls or women are employed, there shall be provided and conveniently located seats sufficient to comfortably seat such girls or women, and during such times as such girls or women are not necessarily required by their duties to be upon their feet, they shall be allowed to occupy the seats provided.

Exhaust fans for smoke, etc.

SEC. 6444. In all establishments in this State wherein labor is employed, where any process is carried on by which dust or smoke is generated, any one of the inspectors provided for in this article, or the labor commissioner or his deputies, shall have the power and authority to order that a fan or some other contrivance be put in to prevent the inhalation of such dust or smoke by employees.

Overcrowding. SEC. 6445. Where, in the opinion of the commissioner of labor, any establishment wherein labor is employed is so overcrowded with employees as to endanger health or safety, the commissioner of labor, when supported in his opinion by the opinion of some reputable physician, shall be authorized and empowered to prohibit such overcrowding.

What are violations. SEC. 6446. Whenever the commissioner of labor, or assistant inspector, finds that heating, lighting, ventilating or sanitary arrangements of any establishment where labor is employed, is such as to be dangerous to the health or safety of employees therein or thereat, or the means of egress, in case of fire or other disaster, are not sufficient, or that the building, or any part thereof, is unsafe, or that the belting, shafting, gearing, elevators, drums or other machinery, are located so as to be dangerous to employees, and not sufficiently guarded, or that the vats, pans, ladles or structures filled with molten or hot liquid, or any furnace, be not sufficiently surrounded with proper safeguards, or the platforms, passageways and other arrangements around, in or about any railroad yard or switch be such as to probably lead to injury or accident to those employed in, around or about any such establishment or place, the inspector or assistant inspector shall at once notify the person or persons in charge of such establishment or place to make the alterations or additions necessary within thirty days; and if such alterations or additions be not made within thirty days from the date of such notice, or within such time as said alterations could be made with proper diligence, then such failure to make such alterations shall be deemed a violation of this article.

Scaffolds on buildings. SEC. 6447. All scaffolds or structures used in or for the erection, repairing or taking down of any kind of building shall be well and safely supported, and of sufficient width, and so secured as to insure the safety of persons working thereon, or passing under or about the same, against the falling thereof, or the falling of such materials or articles as may be used, placed or deposited thereon. All persons engaged in the erection, repairing or taking down of any kind of building shall exercise due caution and care so as to prevent injury or accident to those at work or near by.

Railway platforms, etc. SEC. 6448. All platforms, passageways, steps, flag offices and other structures or arrangements in and around all railroad yards, switches, roundhouses, switch offices, freight houses and passenger depots, shall be located, placed and arranged so as to insure, as far as possible, the safety of employees from injury or accident.

Notice to inspector. SEC. 6449. Within one month after the occupancy of any factory, workshop or mill, the occupant shall notify the inspector, in writing of such occupancy.

Penalty. SEC. 6450. Any person or persons, firm or corporation, being the owner, agent, lessee or occupant of any manufacturing, mechanical, mercantile or other establishment, business or calling in this State to which this article applies, or any employee therein or thereat, who shall violate, or aid or abet in violating, any of the provisions of this article, shall be deemed guilty of a misdemeanor, and, upon conviction in any court of competent jurisdiction in this State, be fined for the first offense not less than twenty-five dollars nor more than two hundred dollars, and for each subsequent offense, not less than one hundred dollars nor more than five hundred dollars, and, in default of payment of such fine and costs, shall be committed to the common jail of the county or city in which the offense was committed until such fine and costs are fully paid.

Officers and agents of corporations. SEC. 6451. When any of the provisions of this article are violated by a corporation, proceedings may be had against any of the officers or agents of such corporation who in any way participated in such violation by the corporation of which they are the officers or agents, and, upon conviction, such officers or agents shall be subject to the same penalty as in case of individuals so offending.

Violation of other laws. SEC. 6455. In case of an offense which is a violation of both this article and of some other law of this State, then the inspector or assistant inspector may elect under which law he will prosecute; but where an offense is in violation of some other law of this State in relation to

the protection of employees, but is not covered by this article, then it shall be the duty of the inspector or assistant inspector to prosecute for all such offenses under the law violated.

Powers of assistant inspectors.

SEC. 6456. All assistant inspectors appointed in accordance with the provisions of this article shall have the same authority as that vested in the State inspector, and, as far as consistent, their duties shall be the same as defined for the State inspector.

Factories and workshops—Doors to swing outwardly.

Doors to open outwardly.

SECTION 9052. All the doors for ingress and egress to and from all * * * factories with more than twenty employees, * * * which shall hereafter be erected, * * * shall be so hung as to open outwardly from the * * * workshops of such buildings or places: *Provided*, That said doors may be hung on double-jointed hinges so as to open with equal ease outwardly and inwardly.

Penalty.

SEC. 9053. Any architect, superintendent or other person or persons or body corporate, who may have charge of the erection, or may have the control or custody of any of the said buildings or places of resort mentioned in the preceding section, who shall refuse or fail to comply with the provisions of said section within six months from the passage of this chapter, in case of said buildings aforesaid which have been heretofore erected, and before the completion or occupation for said purposes of any of said buildings or places now in process of erection, shall, on proof of such refusal or failure before any court of competent jurisdiction, be adjudged to be guilty of a misdemeanor, and be punished by a fine of not less than one hundred nor more than one thousand dollars, which said fine shall be collected as is now provided by law for the collection of fines in such cases, and when collected shall be paid into and become a part of the public school fund of the county, city or incorporated town in which said misdemeanor was committed.

Bureau of labor statistics—Duties of commissioner.

Bureau established.

SECTION 10073. There is hereby established a separate and distinct department in this State, to be known as the "Bureau of labor statistics and inspection of factories, mines and workshops."

Objects of bureau.

SEC. 10074. The object of this department shall be to collect, assort, systematize and present in annual report to the governor, to be by him transmitted biennially to the general assembly, statistical details and information relating to all the departments of labor in the State, especially in its relations to the commercial, industrial, social, educational and sanitary condition of the laboring classes, and to the permanent prosperity of the productive industries of the State, and also to secure the inspection of all factories, warehouses, workshops, foundries, machine shops and other manufacturing establishments, where persons, male and female, are employed throughout the State, and the observance of the regulations herein relating thereto.

Commissioner.

SEC. 10075. The governor shall, with the advice and consent of the senate, appoint, immediately after this article goes into effect, and every two years thereafter, commencing on the first Wednesday in February, 1885, some suitable person to perform the duties herein required, who shall be known as "Commissioner of labor statistics and inspection," and who shall keep an office at the permanent seat of government.

Powers, etc., of commissioner.

SEC. 10076. The commissioner shall have power and authority in the discharge of his duties to enter and to inspect all factories, warehouses, elevators, workshops, tunnels, foundries, machine shops and other manufacturing establishments, and he shall, as far as practicable, inspect or cause to be inspected the same, and shall, annually, on or before the 5th day of November, present a report thereof, in writing, to the governor, which shall contain statistical details relating to all departments of labor in the State, and to the inspection made by him, together with such other information as is contemplated by section 10074.

Witnesses.

SEC. 10077. The commissioner shall have power to administer oaths or affirmations, to examine witnesses and to take and preserve evidence;

and it shall be the duty of all State, county and municipal officers t furnish to said commissioner, upon his request, all statistical infor mation in reference to labor which may be in their possession as such officers.

Sanitation. SEC. 10078. The owner, lessee, operator or manager of any factory workshop, warehouse, elevator, foundry, machine shop or other manu facturing establishment, shall not put at work or place therein fo the purpose of labor or service, more persons in any one room tha hygienic laws will warrant with safety to the health of such persons all such rooms or places of employment shall have sufficient ventila tion to carry off all foul or impure air, and to reduce the air of such room or place of employment to the standard of fresh air as near as may be practicable. Such rooms or places shall also have a sufficient num ber of doors, stairways and fire escapes for the ready egress and escap of the maximum number of employees therein; and it is hereby mad the duty of said commissioner to include in his annual report any non observance of the requirements and regulations contained in thi section which may come to his knowledge, together with the facts i relation thereto, and such suggestions and recommendations as he may deem proper.

Fire escapes, etc.

Access to factories, etc. SEC. 10079. Any owner, operator, manager, or lessee of any factory workshop, warehouse, elevator, foundry, machine shop or other manu facturing establishment, or any agent or employee of such owner, oper ator, manager or lessee, who shall refuse to said commissioner admissio therein for the purpose of inspection, or who shall, when requested b him, neglect or refuse to furnish to him any statistical or other infor mation relative to his duties which may be in their possession or unde their control, shall, for every such neglect or refusal, be deemed guilt of a misdemeanor, and shall, on conviction, be fined in a sum not les than twenty-five nor more than one hundred dollars.

Salary, etc. SEC. 10080. The commissioner of labor statistics and inspectio shall receive an annual salary of two thousand dollars, payabl monthly, and said commissioner is hereby authorized to emplo such assistance and incur such expense, not exceeding two thou sand dollars per annum, as may be necessary to carry out the provision of this article, such expenses to be paid on the vouchers presente by the commissioner: *Provided, however*, That said expenses shal not exceed, in any one year, the amount appropriated therefor; sai commissioner shall, before entering upon the duties of his office execute a bond to the State of Missouri in the sum of twenty thousan dollars, with two or more good and sufficient sureties, conditione upon the faithful, honest and impartial performance of his duti under this article, which bond shall be approved by the State audito and filed in his office. Said commissioner shall include in his annua report to the governor an itemized statement of the expenses of th bureau incurred by him.

Act construed. SEC. 10081. Nothing herein contained shall be construed to repea or in any way affect the provisions of an act entitled "An act providin for the health and safety of persons employed in coal mines, an providing for the inspection of same," approved March 23, 1881, an it is hereby made the duty of said commissioner to secure, as far a may be in his power, a proper observance of the provisions of said ac on the part of county and other courts throughout the State.

Regulation and inspection of bakeries, etc.

Weekly day of rest. SECTION 10088. No employee shall be required, permitted or suf fered to work in a biscuit, bread, pastry or cake bakery or other baker or confectionery establishment in this State more than six days i one week, said week to commence at a stated time, "post meridian," on Sunday, and to terminate not later than the corresponding tim on Saturday of the same week—excepted from this rule may be th time on Sunday for setting the sponges for the night's work following

Night work of children. No person under the age of sixteen years shall be employed in an bake shop between the hours of nine o'clock at night and five o'cloc in the morning.

Sanitation.

SEC. 10089. All rooms or buildings occupied as biscuit, bread or cake bakeries shall be drained and plumbed in a manner to conduce to the proper and healthful sanitary condition thereof, and constructed with air shafts, windows or ventilating pipes, sufficient to insure ventilation. The furniture and utensils in such rooms shall be so arranged that the furniture and floor may at all times be kept in a proper and healthful sanitary condition, and no water-closet, earth closet, privy or ash pit shall be within or communicate directly with the bake room.

Sleeping apartments.

SEC. 10091. The sleeping apartments for the persons employed in bakeries or confectionery establishments shall be separate and distinct from the room or rooms used for manufacture or storage of flour or meal products or for the storage of flour, meal or other articles used in the manufacture or preparation of such product.

Employment of diseased persons.

SEC. 10092. No employer shall knowingly require, permit or suffer any person to work in his bake shop who is affected with consumption of the lungs, or with scrofula or any communicable skin disease, and every person is hereby required to keep himself in a cleanly condition while engaged in the manufacture or handling of such products.

Penalty.

SEC. 10093. Any person who violates any of the provisions of this article, or refuses to comply with the requirements thereof, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than ten or [nor] more than one hundred dollars.

Enforcement.

SEC. 10094. It shall be the duty of [the] labor commissioner or his deputy to see that the provisions of this act are carried into effect, and it is hereby made the duty of the prosecuting attorneys of each county or city in this State to lend all possible aid in all prosecutions for violations of any of the provisions of this article.

Law to be posted.

SEC. 10095. A copy of this article shall be kept conspicuously posted in every bake shop or confectionery establishment in this State.

Factories and workshops—Sweating system.

Manufactures in tenements.

SECTION 10096. No room or apartment in any tenement or dwelling house shall be used by more than three persons, not immediate members of the family living therein, for the manufacture of any wearing apparel, purses, feathers, artificial flowers or other goods for male or female wear. Every person, firm or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the complete material from which they are to be made, or to be wholly or partially finished, shall keep a register of the names and addresses of all persons to whom such work is given to be made or whom they have contracted to do the same. Such register shall be produced for the inspection, and a copy thereof shall be furnished to the labor commissioner or factory inspector on demand.

Certain goods to be labeled.

SEC. 10097. No person, firm or corporation shall knowingly sell or expose for sale any of the articles mentioned herein when such articles were made in violation of this article; and the labor commissioners his deputy or any officer appointed to enforce the provisions of this article, who shall find any such articles made in violation of the provisions of this article, or who shall find that the articles herein mentioned are made under unclean or unhealthy conditions, shall conspicuously affix thereto a label containing the words "tenement made" or "made under unhealthy conditions," as the case may be, printed in plain letters on a tag not less than two inches in length, and it shall be unlawful to remove such tag, except by the permission of the labor commissioner or the officer under whose direction such label was affixed.

Penalty.

SEC. 10098. Any person, firm or corporation engaged in the manufacture or sale of the articles herein mentioned who shall violate or who shall fail to comply with the provisions of this article, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not less than ten nor more than fifty dollars, or by imprisonment in the county jail for a period of not more than ten days, or by both such fine and imprisonment.

Inspection of factories, etc.

Sanitation. SECTION 10099. Every person employing five or more persons in a factory, or employing children, young persons or women, five or more in number, in a workshop, shall keep such factory or workshop in a cleanly state and free from effluvia from any drain, privy or other nuisance.

Water-closets, etc. SEC. 10100. Every person employing five or more persons in a factory or employing children, young persons or women, five or more in number, in a workshop, shall provide, with reasonable access, a sufficient number of proper water-closets, earth closets or privies, for the reasonable use of all persons so employed; and wherever male and female persons are employed in the same factory or workshop, a sufficient number of separate and distinct water-closets, earth closets or privies shall be provided for the use of each sex, and shall be plainly designated; and no person shall be allowed to use any such closet or privy assigned to persons of the other sex.

Ventilation. SEC. 10101. Every factory in which five or more persons are employed, and every workshop in which children, young persons or women, five or more in number, are employed, shall be so ventilated while work is carried on therein that the air shall not become so exhausted as to be injurious to the health of the persons employed therein, and shall also be so ventilated as to render harmless, so far as is practicable, all the gases, vapors, dust or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

Exhaust fans. SEC. 10102. If, in a factory or workshop included in section 10101 of this article, any process is carried on by which dust is generated and inhaled to an injurious extent by the persons employed therein, and it appears to an inspector of factories that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, and that the same could be provided without excessive expense, such inspector may direct a fan, or other mechanical means of a proper construction, to be provided within a reasonable time; and such fan or other mechanical means shall be so provided, maintained and used.

Penalty. SEC. 10103. Any person employing labor in a factory or workshop, and violating any provision of this article, shall be deemed guilty of a misdemeanor, and punished by a fine of not less than fifty nor more than two hundred dollars; but no criminal prosecution shall be made for such violation until four weeks after notice in writing by an inspector of factories of the changes necessary to be made to comply with the provisions of this article has been sent by mail or delivered to such person, nor then, if in the meantime such changes have been made in accordance with such notification. A notice shall be a sufficient notice under this article to all the members of a firm, company or corporation, when given to one member of such firm or company, or to the clerk, cashier, secretary, agent or any other officer having charge of the business of such corporation, or to its attorney; and in case of a foreign corporation, notice to the officer having charge of such factory or workshop shall be sufficient.

Definitions. SEC. 10104. The following expressions used in this article shall have the following meanings: The expression "person" means any individual, corporation, partnership, company or association. The expression "child" means a person under the age of fourteen years. The expression "young person" means a person of the age of fourteen years and under the age of eighteen years. The expression "woman" means a woman of the age of eighteen years and upward. The expression "factory" means any premises where steam, water or other mechanical power is used in aid of any manufacturing process there carried on. The expression "workshop" means any premises, room or place, not being a factory as above defined, wherein any manual labor is exercised by way of trade, or for purposes of gain, in or incidental to any process of making, altering, repairing, ornamenting, finishing or adapting for sale any article or part of an article, and to which or over which premises, room or place the employer of the persons working therein has the right of access or control: *Provided, however*, That the exercise of manual labor in a private house or room by a family dwelling therein, shall not in itself constitute such house or room a workshop within this definition.

ACTS OF 1901.

Factory inspector.

(Page 197, as amended by act, page 326, Acts of 1907.)

Inspector to be appointed.

SECTION 1. * * * the governor of the State, with the advice and consent of the senate, shall appoint a competent person to serve as factory inspector, who shall hold office for four years from the date of his appointment, or until his successor is appointed and qualified. The factory inspector may appoint, from time to time, two assistant factory inspectors and seven deputy factory inspectors, two of whom may be women, who may be removed by him at any time for just cause. Before entering upon his official duties, the inspector shall make oath to support the constitution and faithfully demean himself in office; he shall also execute a bond to the State of Missouri, in such sum as the governor may prescribe, with two or more solvent sureties, to be approved by the governor, conditioned upon his faithful performance of the duties imposed upon him by this act.

Assistants, etc.

Districts.

SEC. 2. The State factory inspector may divide the State into districts, assign one or more deputy inspectors to each district, and may, at his discretion, change or transfer them from one district to another. It shall be the duty of the factory inspector, his assistants or deputy inspectors, to make not less than two inspections during each year of all factories, warehouses, freight depots, machine shops, laundries, tenement, workshops, bake shops, hotels, restaurants, bowling alleys, theaters, concert halls or places of public amusement and other manufacturing, mechanical and mercantile establishments and workshops, in all cities having a population of ten thousand inhabitants or more. The last inspection shall be completed on or before the first day of October of each year, and the factory inspector shall enforce all laws relating to the inspection of the establishments enumerated heretofore in this section, and prosecute all persons for violating the same. Any municipal ordinance relating to said establishments or their inspection, shall be enforced by the factory inspector. The factory inspector, his assistants and deputy inspectors, may administer oaths and take affidavits in matters concerning the enforcement of the various inspection laws relating to these establishments.

Fees.

SEC. 3. The inspector provided for in this act shall be entitled to demand and receive from the owner, superintendent, manager or other person in charge of every establishment inspected, as provided for by law, the following fee for each inspection made in accordance with the provisions of this act: For the inspection of every building or shop in which three or less persons are employed or found at work, the sum of fifty cents; for the inspection of every building or shop in which more than three or not exceeding twenty-five persons are employed, the sum of one dollar; for the inspection of every building or shop in which more than twenty-five and less than sixty persons are employed, the sum of two dollars, and in every building or shop in which more than sixty persons are employed, an additional fee of one dollar shall be charged and collected for every fifty additional persons employed, or any additional fraction thereof, and the fee herein provided for shall be due immediately upon completion of the inspection. The owner, superintendent, manager or other person in charge of any establishment at the time of inspection, shall be required to furnish the inspector making the inspection a true statement of the number of persons employed in such establishment at the time of inspection, and any owner, superintendent, manager or other person in charge who shall fail or refuse to furnish such statement, or understate the number of persons employed in such establishment at the time of inspection, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense. Any person, firm or corporation, agent or manager, superintendent or foreman of any firm or corporation, whether acting for himself or for such firm or corporation, or by himself or through subagents or foreman, superintendent or manager, who shall refuse or attempt to prevent the admission of

Duties of owners, etc.

Refusing admission.

any inspector authorized by this act, upon or within the premises or buildings of any such establishments or place included in this act, at any reasonable business hour, or during working hours of the persons employed therein or thereat, or shall in any manner interfere with the performance of the official duties of such inspector, or shall neglect or refuse to pay the inspection fee upon the completion of such inspection, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense: *Provided*, That the owner or manager of any establishment inspected shall not be required to pay for more than two such inspections between the first day of October of one year and thirtieth day of September of the next year, unless, through noncompliance with the written orders of the inspector, additional inspections are made necessary.

Salaries.

SEC. 4. All fees received by the factory inspector under the provisions of this act, shall be paid into the State treasury on or before the last day of each month to be placed to the credit of the "factory inspection fund." The factory inspector shall receive an annual salary of two thousand dollars; the two assistant factory inspectors shall receive an annual salary of one thousand four hundred dollars each, and the deputy factory inspectors shall each receive a salary of one hundred dollars per month for the time actually employed; and the factory inspector, assistant factory inspectors and deputy factory inspectors shall further receive actual necessary expenses incurred in the discharge of their duties, to be paid monthly upon a warrant of the State auditor, issued upon vouchers therefor.

Offices.

The factory inspector shall establish and maintain an office in the city of St. Louis, and also an office in the city of Kansas City. The offices herein provided for in St. Louis and Kansas City shall each be in charge of one of said assistant factory inspectors. Each of said assistant factory inspectors shall devote his entire time to the discharge of the duties of the office in the city for which he is appointed. The persons appointed assistant factory inspectors under this act shall possess all the qualifications now required of city officers by the charters of the respective cities in which their said offices are located: *Provided*, That no salary or expense shall be paid for the factory inspector or assistant or deputy factory inspectors or clerks in excess of the receipts from the fees paid into the factory inspection fund; *And, provided further*, That the salary of the factory inspector and his assistants, and all expenses for traveling, office rent, printing, stationery, postage and other items of expenditure, shall be limited for the biennial term of two years to an amount not exceeding thirty-five thousand dollars, and all money remaining in said factory inspection fund at the close of each biennial term, after the payment of the salaries and expenses herein provided for, shall be transferred to the general revenue fund.

Fire escapes on factories, etc.

(Page 219.)

Fire escapes required, when.

SECTION 1 (as approved March 24, 1903; page 251, Acts of 1903). It shall be the duty of the owner, proprietor, lessee or keeper of every * * * factory, office building in the State of Missouri, and every building therein where people congregate or which is used as a business place, * * * which has a height of three or more stories to provide said structure with stair fire escapes attached to the exterior of said building and by staircases located in the interior of said building. The fire escapes shall commence at the sill of the second-story window, and run to the upper window sill of the upper story with an iron ladder from the upper story to the roof. The fire escape shall extend downward from said second story to within nine feet of the ground pavement or sidewalk. * * * In no case shall a fire escape run past a window where it is practicable to avoid it. All fire escapes required by this act must be of the kind known as stationary fire escapes. All buildings heretofore erected shall be made to conform to the provisions of this act.

Inspection.

SEC. 2 (as approved March 24, 1903; page 251, Acts of 1903). When fire escapes are to be attached to buildings within a city they shall be con-

structed under the supervision of and subject to the approval of the commissioner or superintendent of public buildings within such city, and if there be no such office within such city they shall be subject to the approval of the chief of the fire department of such city. Whenever a fire escape attached to any building located within a city, shall, upon inspection by the commissioner or superintendent of public buildings, or chief of the fire department of such city, be found in an unsafe and dangerous condition, the owner, lessee, proprietor or keeper of said building shall forthwith rebuild or repair same or replace same in safe condition, upon written notice of such commissioner or superintendent. When fire escapes are to be attached to buildings not within the limits of any city, they shall be subject to the approval of the sheriff of the county in which such building is located. And should such fire escape, through age or otherwise, be or become unsafe or dangerous, the same shall be repaired and placed in safe condition, upon written notice by said sheriff to the person in charge of such building. All fire escapes shall have proper and safe balconies for each story thereof, surrounded on the sides with wire bank and pipe rail not less than three feet in height with openings from the building to said balconies. Whenever a stair fire escape is to be constructed, the stairway shall where practicable, be of an angle of not more than fifty-five degrees and constructed so as to be placed on a blank wall. The stair fire escape shall be provided with one or more landings in each story, and inclosed on the sides with wire bank and pipe rail not less than three feet in height and running on the same angle as the stairs.

Construction.

SEC. 3 (as approved March 24, 1903; page 251, Acts of 1903). The number of fire escapes to be attached to any one building as required in this act shall, when the building is located within a city, be determined by the commissioner or superintendent of public buildings within such city, and if there be no such officer in such city, then by the chief of the fire department of such city: *Provided, however*, That all buildings of nonfireproof construction three or more stories in height used for manufacturing purposes, * * * shall have not less than one fire escape for every fifty persons or fraction thereof for whom working * * * accommodations are provided above the second story * * *.

Number.

SEC. 4. All buildings hereafter erected in this State which shall come within the provisions of this law, shall, upon or before their completion, be provided with fire escapes of the kind and number and in the manner set forth in this law, and any violation of this section shall constitute a misdemeanor on the part of the owner of such building, punishable as provided in section five.

Violation a misdemeanor.

SEC. 5. The owner, proprietor, lessee or manager of a building which, under the terms of this act, is required to have one or more fire escapes, who shall neglect or refuse for the period of sixty days after this law takes effect to comply with its provisions, shall be deemed guilty of a misdemeanor, and on conviction, shall be fined not less than fifty nor more than two hundred dollars, or by imprisonment in the county or city jail not more than three months, or by both fine and imprisonment, and each day shall be deemed a separate offense.

Penalty.

MONTANA.

CODES AND STATUTES—SANDERS' EDITION—1895.

POLITICAL CODE.

Inspection of steam boilers—Examination and licensing of engineers.

SECTION 550. There must be appointed by the governor, by and with the advice and consent of the senate, one inspector of boilers, whose duty it is to inspect all steam boilers now in use in the State, not subject to inspection under the laws of the United States, and to examine and grant licenses to steam engineers intrusted with the care and management of steam boilers and steam machinery. The salary of the inspector of boilers is twenty-four hundred dollars per year, and

Inspector of boilers.

his term of office is four years, unless sooner removed by the governor. The inspector of boilers must execute an official bond in the sum of five thousand dollars.

Qualifications. SEC. 551. No person is eligible to hold the office of inspector of boilers and steam machinery who has not had at least five years of actual practice in the operations of steam engines, steam boilers and steam machinery, or who is directly or indirectly interested in the manufacture or sale of boilers or steam machinery, or any patented article required to be sold or in general use in the construction of steam boilers or steam engines.

Assistants. SEC. 552 (as amended by chapter 45, Acts of 1907). There shall be two assistant inspectors of boilers, each of whom shall be called assistant inspector of boilers. Such assistant inspectors must be persons who have had at least four years practical experience in the operation of steam engines and boilers, and must be persons of temperate habits and good character and qualified to perform the duties of their office. They shall be appointed by the governor, by and with the advice and consent of the senate, and be subject to removal at the will of the governor. The salary of each assistant inspector shall be eighteen hundred ($1,800.00) dollars per year. Each assistant inspector must execute an official bond in the sum of twenty-five hundred ($2,500.00) dollars.

There shall be a clerk to the State boiler inspector to be appointed by him, who shall also when not engaged in duties as clerk of the State boiler inspector's office, perform such duties as clerk of the State quartz mine inspector and State coal mine inspector's office, as those offices may require. The salary of the clerk to the boiler inspector shall be fifteen hundred ($1,500.00) dollars per year, and the clerk must execute an official bond in the sum of two thousand ($2,000.00) dollars.

Duties. SEC. 553 (as amended by chapter 32, Acts of 1905). The inspector of boilers must have his office at the seat of government, and must adopt rules as nearly uniform as possible for the inspection of steam boilers, and prescribe the nature and extent of the examination of applicants for licenses and adopt such rules for the issuing thereof as are required by the provisions of this article, and must adopt such rules as he may deem necessary to carry into effect the provisions of this article, and distribute copies of such rules among the engineers, superintendents of mines and mining companies of the State, and all persons having charge or control of steam machinery.

Inspection of boilers, etc. SEC. 554. The inspector of boilers must inspect all steam boilers and steam generators before the same are used, except in the case of new boilers, which must be inspected within ninety days after they are put in use, unless accompanied by a certificate that such boiler has been inspected by a regular State inspector, and all boilers must be inspected at least once in every year. And the inspector of boilers must subject all boilers to hydrostatic pressure, and satisfy himself by a thorough internal and external examination, that the boilers are well made and of good and suitable materials; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat are of the proper dimensions and free from obstructions; that the flues are circular in form; that the fire line of the furnace is at least two inches below prescribed minimum water line of the boilers; that the arrangement for delivering the feed water is such that the boilers can not be injured thereby, and that such boilers and their steam connections may be safely employed without danger to life.

Safety valves. SEC. 555. He must also satisfy himself that the safety valves are of suitable dimensions, sufficient in number and area, and properly arranged, and that the safety valve weights are properly adjusted, so as to allow no greater pressure in the boilers than the amount prescribed by the inspection certificate; that there are a sufficient number of gauge cocks properly inserted to indicate the amount of water, and suitable gauges that will correctly record the pressure of steam; and adequate and certain provisions for an ample supply to feed boilers at all times, and that suitable means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts of the

boilers when they are under pressure of steam. In subjecting boilers to the hydrostatic test, the inspector must assume one hundred and twenty-five pounds to the square inch as the maximum pressure allowable as a working pressure for new boilers of forty-two inches in diameter, made in the best manner, of plates one-fourth of an inch thick, and of good material; but the inspector must rate the working power of all high-pressure boilers according to their strength as compared with this standard, and in all cases the test applied must exceed the working pressure allowed, in the ratio of one hundred and seventy-five. Should the inspector be of the opinion that any boiler, by reason of its construction, or material, will not safely allow so high a working pressure, or will allow a greater working pressure than is herein provided, he may, for reasons to be stated specifically in his certificate, fix the pressure of such boiler at more or less than three-fourths of the test pressure, as the case may be. Maximum pressure.

SEC. 556. No boiler or steam pipe, nor any of the connections thereto must be approved which is made in whole or in part of bad material, or is unsafe from any cause. Nothing herein shall be construed to prevent the use of any boiler or steam generator which may not be constructed of riveted iron or steel plates, when the inspector has satisfactory evidence that such boiler or steam generator is equal in strength to and as safe from explosion as boilers of the best quality, constructed of iron or steel plates. In any case where for good cause the inspector is unable to make any such inspection or examination of any steam boiler, it is the duty of the assistant inspector to proceed and act in accordance with the requirements of this article as fully as the inspector is empowered to do. Use of bad material, etc.

SEC. 557. In addition to the annual inspection, it is the duty of the inspector, or of the assistant inspector, to examine at proper times, when in their opinion such examination is necessary, all such boilers as shall have become unsafe from any cause, and to notify the owner or the person using such boilers of any defect and what repairs are necessary to render them safe. Additional inspections.

SEC. 558. It is the duty of the owners or managers of steam boilers to allow the inspectors free access to the same, and the engineer operating the same must assist the inspectors in their examinations and point out any defects they may know in the boilers or machinery in their charge. Any engineer not complying with this section shall have his license revoked or be suspended. Access to boilers.

SEC. 562. In making the inspection of boilers and machinery herein provided for, the inspectors may act jointly or separately; but the inspector or assistant inspector, making such inspection, must in all cases subscribe and make oath to the certificate of inspection, and report such action. Any inspector or assistant inspector who willfully and falsely certifies regarding any steam boilers or their attachments, or grants a license to any person to act as engineer, contrary to the provisions of this article, is punishable under the provisions of section 635, of the Penal Code. Inspections may be joint or separate. False certification.

SEC. 563 (as amended by chapter 32, Acts of 1905). The inspector or assistant inspectors are authorized to charge a fee of ten dollars for the inspection of each single boiler and its steam connections, and five dollars for each additional boiler when connected. The fee for the inspection of each traction engine or boiler on wheels shall be ten dollars. The fee for the inspection of boilers in incorporated cities shall be five dollars. Such fees shall be payable at the time of the delivery of the inspector's certificate of inspection. * * * All certificates of inspection and engineer's licenses must be displayed in a conspicuous place in the engine room. Fees.

SEC. 566 (as amended by chapter 32, Acts of 1905). This article does not apply to locomotives in Montana, nor to boilers used for heating purposes in private residences, nor to any boiler having a capacity of only five horsepower or less; nor are locomotive engineers or persons operating any of the engines or boilers herein exempted from the operation of this article, required to procure licenses from the inspector or assistant inspectors. It shall be the duty of the owner or user of any traction engine or boiler on wheels, other than locomotives, to notify Application of law.

the inspector of the location of such boiler on or before the first day o June in each year. Any owner or user of such engine or boiler failin to so notify the inspector shall be punished by a fine or [of] not les than twenty-five dollars nor more than one hundred dollars.

NEBRASKA.

COMPILED STATUTES—EDITION OF 1901.

Fire escapes on factories, etc.

Fire escapes required, where.

SECTION 3168a. * * * All buildings in this State, which are fou or more stories in height, excepting such as are used for private res dences exclusively, but including flats and apartment buildings, sha be provided with one or more metallic ladder or stair fire escapes a tached to the outer walls thereof, and provided with platforms of suc size and dimensions, and such proximity to one or more windows o each story above the first, as to render access to such ladder or stai from each such story easy and safe, and shall also be provided with on or more automatic metallic fire escapes, or other proper device, to b attached to the inside of said buildings so as to afford an effective mean of escape to all occupants who, for any reason, are unable to use sai ladders or stairs; the number, material, location, and construction o such escapes to be subject to the approval of the commissioner of labo

Proviso as to factories, etc.

or his deputy: *Provided, however*, That all buildings, more than tw stories in height, used for manufacturing purposes, * * * shall hav at least one such fire escape for every fifty persons, and one such auto matic metallic escape for every twenty-five persons, for which work ing, * * * accommodations are provided above the second storie of said buildings; * * *

New buildings.

SEC. 3168b. All buildings of the number of stories and used fo the purposes set forth in section 4 of this act [sec. 3168a] which sha be hereafter erected in this State shall, upon or before their completion each be provided with fire escapes of the kind and number and in th manner set forth in this act.

Enforcement.

SEC. 3168c. It shall be the duty of said commissioner of labor or hi deputy to serve a written notice in behalf of the people of the State o Nebraska, upon the owner or owners, trustees, or lessees, their agent or the occupant of any building within this State, not provided with fir escapes in accordance with the provisions of this act, commanding suc owner, trustee, lessee or occupant, or either of them, to place or cause t be placed upon such building such fire escape or escapes as is provide for in section four (4) of this act [sec. 3168a] within thirty (30) day after the service of such notice. And the grand juries of the severa counties of this State may also, during any term visit or hear testimon relating to any building or buildings within their respective counties for the purpose of ascertaining whether it or they are provided wit fire escapes in accordance with the requirements of this act, and submi the result of their inquiry, together with any recommendations the may desire to make, to the district court, and said court may there upon, if it find from the report of said grand jury that said building o buildings is or are not provided with a fire escape or escapes, in accord ance with this act, cause the sheriff to serve a notice or notices upo the owner, trustee, lessee, or occupant of such building or buildings.

Penalty.

SEC. 3168d. Any such owner or owners, trustee, lessee or occupan or either of them, or their agents, so served with notice as aforesaid who shall not, within sixty (60) days after the service of such notic upon him or them, place or cause to be placed such fire escape o escapes upon such building as required by this act and the terms of such notice, shall be subject to a fine of not less than twenty-five or mor than two hundred dollars, and to a further fine of fifty dollars for each additional week of neglect to comply with such notice.

Commissioner of labor to supervise.

SEC. 3168e. The erection and construction of any and all fire escape provided for in this act shall be under the direct supervision and con trol of said commissioner of labor or his deputy, and it shall be unlawfu for any person or persons, firm or corporation to erect or construct an fire escape or escapes, except in accordance with a written permit firs

had and obtained and signed by said commissioner of labor or his deputy, which permit shall prescribe the number, location, material, kind and manner of construction of such fire escape.

Application for permit.

SEC. 3168f. Any person or persons, firm or corporation, who shall be required to place one or more fire escapes upon any building or buildings, under the provisions of this act, shall file in the office of said commissioner of labor or his deputy a written application for a permit to erect or construct such fire escape or escapes, which application shall briefly describe the character of such building or buildings, the height and number of stories thereof, the number of fire escapes proposed to be placed thereon, the purposes for which such building or buildings is or are used, and the greatest number of people who use or occupy or are employed in such building or buildings above the second stories thereof at any one time.

Bureau of labor census and industrial statistics.

Bureau created.

SECTION 3310. There is hereby created a bureau of labor census and industrial statistics, with headquarters in the capitol building, for which stationery, postage, expressage, printing, and facilities for transacting business shall be furnished the same as for other executive departments.

Commissioner.

SEC. 3311. The governor of this State is hereby made commissioner of said bureau.

Deputy commissioner.

SEC. 3312. Said commissioner shall have the power to appoint a deputy at a salary of fifteen hundred dollars per annum, who, when acting for or instead of said commissioner, shall have and may exercise equal power and authority subject to the approval of the commissioner.

Duties.

SEC. 3313. The duties of said commissioner shall be to collect, collate, and publish statistics and facts relative to manufacturers, industrial classes, and material resources of the State, and especially to examine into the relations between labor and capital, the means of escape from fire and protection of life and health in factories and workshops, mines and other places of industries, the employment of illegal child labor, the exaction of unlawful hours of labor from any employee, the educational, sanitary, moral, and financial condition of laborers and artisans, the cost of food, fuel, clothing, and building material, the causes of strikes and lockouts, as well as kindred subjects and matters pertaining to the welfare of industrial interests and classes.

Powers.

SEC. 3314. The commissioner or his deputy shall have power to enter any factory or workshop in which labor is employed, for the purpose of gathering facts and statistics, or of examining the means for escape from fire, and the provisions for the health and safety of operatives in such factory or workshop. He may also post in such factory or workshop the laws now, or hereafter to be, made in respect to child labor, fire escapes, hours of labor, or others pertaining to the health or safety of employees; and if the owner, manager or agent shall remove or destroy the same he shall, upon conviction thereof, be fined in any sum not to exceed fifty dollars for each offense. And in case the officer of the bureau shall discover any violation of, or neglect to comply with, said laws, he shall notify the owner or occupant of said workshop or factory in writing of the offense or neglect, and if such offense or neglect is not corrected within thirty days after the service of notice aforesaid, he shall lodge formal complaint with the attorney of the county in which the offense is committed or the neglect occurs, whereupon said officer shall proceed against the offender according to law.

Reports from employers.

SEC. 3317. The said commissioner shall have power to prescribe blank forms and transmit them to employers, which shall be filled out clearly and completely under oath, by the person or persons to whom they are sent, with the facts, statistics, and statements asked for, and returned to him within such reasonable time as he may fix.

Penalty for refusing access.

In case any owner or occupant, or his agent, shall refuse to admit any officer of the said bureau to his workshop or factory, when open or in operation, he shall forfeit the sum of ten dollars for each and every offense, and if he shall, through his agent or otherwise, neglect, fail, or refuse to fill out the said blank forms, and verify and return them as required, he shall forfeit the sum of ten dollars for each and every day

said blanks may be so delayed beyond the time fixed by the commissioners for their return. The forfeits named and provided in this act shall be sued for in the name of the State by the county attorney of the respective county where such offense is committed, upon the complaint of any officer of said bureau, or any citizen, and shall be paid into the school fund.

NEVADA.

ACTS OF 1903.

CHAPTER 13.—*Inspection of factories—Safety appliances.*

Set screws to be countersunk.

SECTION 1. It shall be unlawful for any person, company or corporation, after the first day of July, nineteen hundred and three, to construct or place any shaft or shafting with collars, sleeves or pulleys over two feet in diameter attached or secured to such shaft by set screws projecting above the hub of such collars, sleeves or pulleys. In all such cases where set screws are used, the heads thereof shall be countersunk below the surface of the hub of the collar, sleeve or pulley in which they are placed.

Penalty.

SEC. 2. Any person or corporation who shall, after the first day of July, 1903, fail or refuse to comply with the requirements of this act, when constructing or changing any machinery, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred nor more than five hundred dollars.

Liability.

SEC. 3. Nothing contained in this act, shall be so construed as to prevent recovery in a suit for damages, for injuries sustained by the party so injured or his heirs or administrators.

NEW JERSEY.

GENERAL STATUTES—1895.

Fire escapes on factories, etc.

(Page 1516.)

Fire escapes to be erected.

SECTION 214. All buildings now or hereafter erected in which twenty or more persons live or congregate or are employed, temporarily or otherwise, above the first or ground floor thereof, shall have one or more, as the proper authority shall direct, external wrought iron fire escapes, of such dimensions and character and subject to such regulation and construction as the said proper authority shall designate.

Enforcement.

SEC. 215. In all incorporated municipalities the board of aldermen, city council or borough commissioners shall provide for the enforcement of the provisions of this act by ordinance.

Same subject.

SEC. 216. In all sections outside of incorporated municipalities township committees shall have power to enforce the provisions of this act.

ACTS OF 1904.

CHAPTER 64.—*Inspection of factories—Employment of labor—Department of labor.*

Hoistways, etc., to be guarded.

SECTION 11. The openings of all hoistways, hatchways, elevators, and wellholes upon every floor of any place coming under the provisions of this act, shall be protected by good and sufficient trapdoors or self-closing hatches and safety catches, or strong guard-rails at least three feet high, and shall be kept closed and protected at all times except when in actual use by the occupant of the building having the use and control of the same.

Doors.

SEC. 12. All the main doors, both inside and outside of places coming under the provisions of this act, shall open outwardly or be sliding doors, and shall be kept unbolted and unlocked during the hours of employment.

Belt shifters, guards, etc.

SEC. 13. The owner or person in charge of any of the places coming under the provisions of this act, where machinery is used, shall pro-

vide, in the discretion of the commissioner, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys; whenever practicable, all machinery shall be provided with loose pulleys, all vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws, drums and machinery of every description shall be properly guarded; no person shall remove or make ineffective any safeguard around or attached to such machinery, vats or pans while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced; if the machinery, or any part thereof, or any vat, pan or vessel containing molten metal or hot liquid is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the commissioner, and a notice to that effect shall be attached thereto; such notice shall not be removed until the machinery is made safe and the required safeguards are provided; and in the meantime such unsafe or dangerous machinery, vats, pans, or vessels containing molten metal or hot liquid shall not be used; when, in the opinion of the commissioner, it is necessary, the halls leading to workrooms shall be provided with proper lighting facilities.

Blowers for emery wheels, etc.

SEC. 14. All corporations, firms or persons conducting a manufacturing business in any of the places coming under the provisions of this act, where emery wheels or emery belts of any description are used, either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton, or wheels, or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with blowers or similar apparatus, which shall be placed over, beside or under wheels or belts in such a manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building, or to some receptacle placed so as to receive and confine such dust: *Provided*, That grinding machines upon which water is used at the point of the grinding contact and small emery wheels that are used temporarily for tool grinding in small shops employing not more than three persons at such work, shall be exempt from the provisions of this section if so ordered by the commissioner.

Construction.

SEC. 15. It shall be the duty of any person, firm or corporation conducting such manufacturing business, to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth above, as follows: Each and every such wheel shall be fitted with a sheet or cast-iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels or will be thrown into such hood or hopper by centrifugal force and be carried off by a current of air into a suction pipe attached to some hood or hopper.

Same subject.

SEC. 16. Each and every such wheel six inches or less in diameter shall be provided with a round suction pipe three inches in diameter; wheels six inches to twenty-four inches in diameter, with round suction pipe five inches in diameter; and all wheels larger in diameter than those stated above shall be provided each with a round suction pipe not less than six inches in diameter; the suction pipe for each wheel so specified must be full size to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall in its diameter and capacity be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan connected with such suction pipe or pipes shall be as large or larger than the suction pipe.

Air pressure, etc.

SEC. 17. It shall be the duty of any person, firm or corporation operating any such place to provide the necessary fans or blowers to be connected with such pipe or pipes, as set forth in this act, which shall be run at the rate of speed such as will produce a pressure of air in such suction or discharge pipes sufficient to raise a column of water not less than five inches in a U-shaped tube; all branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less; the main suction or trunk pipe shall be below the emery or buffing wheels and as close to the same as possible, and shall be either upon or beneath

the floor on which the machines are placed to which such wheels ar attached; all bends, turns or elbows in such pipes must be made wit easy, smooth surfaces, having a radius in the throat of not less than tw diameters of the pipe on which they are connected.

Enforcement. SEC. 18. It shall be the duty of the commissioner to make orders i writing for the carrying into effect the provisions of sections fourteen fifteen, sixteen and seventeen.

Air space. SEC. 19. Not less than two hundred and fifty cubic feet of air spac shall be provided for each employee or operative at work in a room i a place within the meaning of this act between the hours of six o'cloc in the morning and six o'clock in the evening, and not less than fou hundred cubic feet of air space for each employee so employed betwee the hours of six o'clock in the evening and six o'clock in the morning *Provided*, In all cases where the amount of air space provided does no exceed the amount above fixed, that such room is lighted by electricit during all hours that artificial lights are necessary and persons are em ployed therein, unless a written permit shall be obtained from th commissioner.

Ventilation. SEC. 20. The owner, agent or lessee of a place coming under the pro visions of this act, or employer shall provide in each workroom there proper and sufficient means of ventilation; in case of failure the com missioner shall order such ventilation to be provided; such owne agent, lessee or employer shall provide such ventilation within twent days after the service upon him of such order in writing, and in cas of failure shall be liable to a fine of ten dollars for each day after th expiration of the time given by such order to make the change.

Minors cleaning machinery. SEC. 21. No minor under sixteen years of age shall be required, al lowed or permitted to clean any part of the gearing or machinery in an place coming under the provisions of this act, while the same is in m tion, or to work between the fixed or traversing parts of any machine while it is in motion by the action of steam, water or other mechanica power.

Explosives. SEC. 22. Every corporation, firm or person having or keeping in hi place or its place or manufactory coming under the provisions of this act any explosive or inflammable compound, shall keep or store such explo sive or inflammable compound in such factory, mill, workshop or plac in such way as not to obstruct or render hazardous the egress of em ployees or operatives in case of fire.

Water-closets. SEC. 23. Every factory, workshop or mill shall contain sufficient suitable, convenient and separate water-closets for each sex, which shal be properly screened, ventilated and kept clean; and also a suitable an convenient washroom; the water-closets used by women shall hav separate approaches; if women or girls are employed, a dressing roo shall be provided for them when ordered by the commissioner.

Lime washing. SEC. 24. Factories and workshops in which women and children ar employed, and where dusty work is carried on, shall be limewashed o painted at least once in every twelve months.

Law to be posted. SEC. 25. An abstract of this law shall be prepared and furnished upo request by the commissioner to every corporation, firm or person in thi State who is affected thereby, and every manufacturer to whom a cop of such abstract is sent or delivered shall post such abstract of this la and keep it posted in plain view in such place that it can be easily rea by the employees or operatives in coming in or going out from said fac tory, workshop or mill.

Hindering commissioner. SEC. 26. No person shall interfere with, delay, obstruct or hinder b force or otherwise, the commissioner, the assistant commissioner or in spectors, while in the performance of their duties, or refuse to answer i writing or otherwise, questions asked by such officers relating to th matters coming under the provisions of this act; no person shall imper sonate an officer of the department or forge his certificate of authority.

Accidents. SEC. 28. All accidents that prevent the injured person or person from returning to work within two weeks, or which result in death, shal be reported in writing to the department, at Trenton, New Jersey within twenty-four hours after the expiration of four weeks or after th death of such person injured, as the same may be; such notice shall b sent by mail, postage prepaid.

Name of firm to be furnished.

SEC. 29. Every corporation, firm or person shall within one month after he, they or it shall begin to occupy a factory, workshop, mill or place where the manufacture of goods of any kind is carried on, notify in writing the department, at Trenton, New Jersey, of such occupancy, giving the legal title of such corporation and name of agent upon whom service of a summons can be made, and in case of a firm, the individual names of the members of the firm or the legal title of the concern so occupying such factory or workshop.

Powers of commissioner.

SEC. 30. For the purpose of carrying into effect the provisions of sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven and twenty-eight, the commissioner shall be and he is hereby authorized to make such orders in writing for the protection and safety of employees and operatives and the enforcement of this act in places coming under the provisions of this act, as in his judgment shall seem necessary to carry into effect the provisions of such sections; such order shall be in writing, signed by the commissioner, and shall specify what shall be necessary to be done and within what time; any corporation, firm or person violating any of the provisions of sections eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-six, twenty-seven and twenty-eight, shall, for each offense, be liable to a penalty of fifty dollars.

Manufactures in tenements.

SEC. 31. No room or rooms, apartment or apartments, in any tenement or dwelling house shall be used for the manufacture of coats, vests, trousers, knee pants, overalls, cloaks, furs, fur trimmings, fur garments, shirts, purses, feathers, artificial flowers or cigars, except by the immediate members of the family living therein; no person, firm or corporation shall hire or employ any person to work in any room or rooms, apartment or apartments, in any tenement or dwelling house, at making, in whole or in part, any coats, vests, trousers, knee pants, overalls, cloaks, furs, artificial flowers or cigars, unless such person, firm or corporation first shall have obtained a written permit from the commissioner; which permit may be revoked by the commissioner at any time that the health of the community or of those employed as aforesaid may, in his judgment, require it, and that such permit shall not be granted until due and satisfactory inspection of the premises affected shall have been made by the said commissioner, assistant, or an inspector; such permit shall be framed and posted in a conspicuous place in the main room of the place to which it relates, shall be duly numbered and shall state the number of persons allowed to be employed therein.

Violations.

SEC. 32. Any person, firm or corporation being the owner, lessee or occupant of the place to which the preceding section relates, shall, for the violation of any of the provisions therein, be liable to a penalty of one hundred dollars for each offense.

Exemptions.

SEC. 33. This act shall not apply to a private house or private room used for manufacturing purposes by the family dwelling therein.

Fire escapes.

SEC. 34. Every factory, workshop, mill or place where the manufacture of goods of any kind is carried on, now or hereafter erected, which is three or more stories in height and in which twenty-five or more operatives or employees shall be at work on or above the third floor, shall be provided with outside iron fire escapes as hereinafter provided; the fire escapes shall be located at such places on the said buildings as may be best suited for the purpose intended or as the commissioner may designate in writing, and shall take in one or more windows on each floor above the first floor; fire escapes may project into the public highway to a distance not greater than four feet beyond the building line.

Construction.

SEC. 35. The fire escapes shall consist of outside iron balconies, and stairways at each floor above the first connecting said balconies to the ground, except in the case of the fire escape being over a public highway when a drop ladder shall connect the lowest balcony to the ground in a manner hereinafter specified; the stairways shall be placed at a slope no steeper than a ratio of one horizontal to one and one-quarter vertical; the balcony on the top floor shall be provided with a goose-neck ladder leading from said balcony to and above the roof.

Balconies.

SEC. 36. The balconies shall not be less than three feet in width, tak-

ing in at each story above the ground floor at least one window of each part of building separated by inside walls in which twenty-five or more operatives or employees shall be at work; they shall be below and not more than one foot below the window sills, and extend in front of and not less than nine inches beyond each window; there shall be a landing not less than twenty-four inches square at the head and foot of each stairway; the stairway opening on each platform shall be of a size sufficient to provide clear headway; the windows or openings upon each balcony shall be of easy access and sufficiently large to permit easy passage through them, and shall be kept unobstructed; where the top of window sill is more than two feet above the floor of building, inside steps shall be provided.

Floors of balconies.

SEC. 37. The floors of balconies shall be of wrought iron or steel slats not less than one and a half inches by three-eights of an inch, placed not more than one and one-quarter inches apart and well secured and riveted to iron battens not less than one and a half inches by three-eights of an inch, not over two feet apart, and which battens shall rest on and be riveted to frame of balcony; said frame to consist of angle iron not less than two and one-half inches by two and one-half inches by three-sixteenths of an inch thick, and to extend around the four sides of balcony floor, to rest upon brackets and be secured to same by rivets or bolts and to be riveted at corners; the openings for stairways in all balconies shall not be less than twenty-one inches wide and forty-two inches long, and such openings shall have no covers of any kind; the platforms of balconies shall be constructed and erected to safely sustain in all their parts a safe load of not less than eighty pounds per square foot, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts.

Railings.

SEC. 38. The outside top rail shall in no case be less than three feet above the floor of balcony, and shall extend around the entire platform and in all cases shall go through the wall at each end, be worked out to three-quarter inch bolt size, and be properly secured by nuts with washers at least four inches square and three-eighths of an inch thick, and no top rail shall be connected at angles by cast-iron; the top rail of balconies shall be one and three-quarter inches by one-half inch of wrought iron or one and a half inch angle iron at least three-sixteenths of an inch thick, or such size and shape as shall be approved by the commissioner; the bottom rails shall in no case be more than eight inches above the floor of balcony and shall be of one and one-half inches by three-eighths of an inch wrought iron, or of one and a half inch angle iron at least three-sixteenths of an inch thick, well leaded or cemented into the wall; the standards or filling-in bars shall not be less than one-half inch round or square wrought iron, well riveted to the top and bottom rails and to platform frame immediately where adjacent to brackets and shall be placed not more than six inches apart.

Stairways.

SEC. 39. The stairways shall be constructed and erected to fully sustain in all their parts a safe load of not less than one hundred pounds per step, utilizing a ratio of four to one between the safe working load and the ultimate strength of all parts, with the exception of the tread, which must safely sustain at said ratio a concentrated load of two hundred pounds; the treads shall be not less than seven inches wide and the rise of each step not more than nine inches; the treads shall be flat open treads of cast-iron not less than five-eighths of an inch thick, or of flat bars not over one and one-quarter inches wide or less than three-eighths of an inch thick, with spaces between not more than one inch or less than one-half of an inch; such bars to be riveted to angle irons of not less than one and one-half inches in size, secured to strings, with double rivets or bolts; the stairs shall be not less than twenty inches wide between inside of strings, and there shall remain a clear passage between stairway and wall of building of not less than fourteen inches; the strings shall be not less than three-inch channels of iron or steel, or other shape equally strong, and shall, at both top and bottom, rest upon and be fastened to a bracket, which shall be fastened through the wall as hereinafter provided; the stairs shall have a hand rail of not less than three-quarters inch round wrought-iron rod or pipe, on each side not less than thirty inches or more than forty-two inches above steps at any point, and same shall be secured and well braced.

Brackets.

SEC. 40. The brackets shall be placed not more than four feet apart and not be less than three-quarters of an inch by one and one-half inches wrought iron placed edgewise, or one and three-quarter inch angle iron, one-quarter inch thick, to extend across full width of balcony and be well braced at a point not less than two-thirds of the distance from wall to end of bracket, by means of not less than three-quarters of an inch square wrought iron or one and three-quarters inch angle iron; the ends of brackets and braces shall go through the wall and be turned down three inches, or be properly secured by nuts and washers four inches square and at least three-eighths of an inch thick; on new buildings the brackets shall be set as the walls are being built; when brackets are put on factories already erected, the part going through the wall shall not be less than one inch in diameter with screw nuts and washers not less than five inches square and one-half an inch thick.

Ladders.

SEC. 41. A proper drop ladder to reach to a safe landing place below shall be required from the lower balcony of any fire escape over a public highway in place of a stairway, and when the floor of such balcony is more than sixteen feet above the sidewalk or ground, a suitable landing platform shall be located not more than ten feet above the ground and shall be connected with the balcony above by means of a stairway constructed as this act requires for stairways between balconies; such platform shall not be less than three feet in width and four feet long and provided with proper railings; the drop ladder to ground shall be not less than fifteen inches in width with springs not less than one-half inch by two-inch iron, and rungs not less than five-eighths of an inch in diameter, placed not more than twelve inches apart and securely riveted through the strings; strings to be made of one piece and not connected in parts by rivets or bolts; the upper end of each string to be formed into a hook by which the ladder may be secured to the frame of the balcony when in use; the goose-neck ladder shall be securely fastened to the wall of the building and the strings shall extend at least thirty inches above the roof and return down and be secured to same; there shall be a space of not less than fourteen inches between such ladder and the outer rail of balcony.

Painting.

SEC. 42. All the parts of such fire escapes shall receive not less than two coats of paint, one in the shop and one after erection, and shall be painted thereafter whenever the same may be needed.

Powers of commissioner.

SEC. 43. The commissioner shall have the power to make and have served an order in writing upon any owner or owners of any building coming under the provisions of this act, ordering that a fire escape shall be erected either on a new building or on a building already erected, or ordering that a fire escape already erected shall be changed and altered in such manner as he shall in such order designate; such fire escapes must conform to the provisions of this act; any corporation, firm or person failing or neglecting to obey such order within the time therein limited, shall be liable to a penalty of one hundred dollars for such failure, and to a further penalty of ten dollars for each day that shall elapse after the expiration of the time limited in said order, until a fire escape shall be erected on such building in compliance with the terms of such order: *Provided*, That fire towers, when approved by the commissioner, shall be legal protection the same as iron fire escapes as hereinbefore provided.

Enforcement.

SEC. 44. All proceedings brought under the provisions of this act shall be by action of debt, in the name of the commissioner, to be instituted in any district court of a city, recorders' court of cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons returnable in not less than five nor more than ten days, which process shall be served on the owner or owners, person or persons or any of them, owning the place or operating the business wherein the alleged violation of law has taken place; if such owner or owners, person or persons, reside in the county where the offense was committed, or if the owner or owners, person or persons as aforesaid, do not so reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman or person in charge of the business or place; service upon a

corporation shall be made upon the president, vice-president, secretary or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place; in case the owner or owners of a building reside without the limits of the county, then service of the process may be made upon the agent in charge of said building, and if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant, may award an execution to take the body of the defendant, if an individual, and in case such a defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order for the body execution, or one of the justices of the supreme court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all moneys collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

Department of labor.

SEC. 45 (as amended by chapter 257, Acts of 1907). For the purpose of carrying into effect and enforcing the provisions of this act, there shall be and hereby is established a department to be known as the department of labor; the department shall have its main office in Trenton, and shall consist of a commissioner, an assistant commissioner and eleven inspectors; the governor shall, immediately after the passage of this act, with the advice and consent of the senate, appoint some suitable person who shall be a resident and citizen of this State, as head of the said department, at a salary of thirty-five hundred dollars per year, to be paid monthly, whose term of office shall be three years and until his successor is appointed, and whose title shall be commissioner of labor; the commissioner shall, with the approval of the governor, appoint the assistant commissioner, who shall be an experienced machinist; he shall receive a salary of two thousand dollars per year, to be paid monthly; the governor shall appoint eleven suitable

Inspectors.

persons as inspectors, two of whom shall be women, whose salary shall be one thousand five hundred dollars per year each, to be paid monthly; the terms of office of the assistant and the inspectors shall be three years unless sooner removed by the commissioner; the assistant and the inspectors shall each be furnished with certificates of authority by the secretary of state, and they shall produce the same if so required by any manufacturer; the commissioner shall have the power, out of the appropriation made for the purpose of carrying on the work of the department, to purchase badges for the assistant, the inspectors and himself; the commissioner may divide the State into districts, assign inspectors to such districts, and may, in his discretion, transfer them from one district to another; the commissioner, assistant and inspectors may administer oaths and take affidavits in matters relating to the enforcement of this act; the commissioner shall have the right to em-

Clerks.

ploy such department clerks for carrying on the work of the department as may, in his judgment, be necessary; such clerks shall receive such salaries as the commissioner, with the approval of the governor, shall fix, to be paid by the treasurer on warrant of the comptroller in equal monthly installments; when the work of the department shall necessitate the employment of additional inspectors, the commissioner shall have the power to employ such inspectors at such compensation and for such length of time as he may deem necessary, and such extra inspectors shall have the same rights, powers and privileges as the inspectors appointed by the governor; all salaries and expenses incurred by the commissioner, assistant and all inspectors, in the discharge of their duties, and all salaries and expenses necessary to carry out the provisions of this act, shall be paid from the funds of the State,

out of the moneys appropriated for that purpose, by the treasurer, upon warrant of the comptroller, upon presentation of proper vouchers for the same, approved by the commissioner; it shall be the duty of the commissioner to enforce the provisions of this act and to exercise supervision and control over the assistant and the inspectors, and to cause inspections to be made of the factories, mills, workshops, and places where the manufacture of goods of any kind is carried on, by the assistant and the inspectors, as often as practicable, and to make a report of the work of the department to the governor of the State on or before the thirty-first day of October in each year; to prosecute violations of the provisions of this act in any district court, recorders' courts of cities and before any justice of the peace having due jurisdiction, or in any other court of competent jurisdiction in this State; the commissioner, the assistant commissioner and the inspectors shall have the right at all reasonable hours to enter and inspect factories, mills, workshops and places where the manufacture of goods of any kind is carried on, and each inspector shall make a report in writing of such inspections to the commissioner at least once in each week; inspectors shall make out a list of minors discharged, with the name of child in full, residence, street and number, name of place from which such minor was discharged and date of discharge; he shall send or deliver within twenty-four hours, such list to the principal of the public school in the district where the minor resides, or to the truant officer having such school district in charge; every deputy inspector shall devote at least eight hours of every working day except public holidays, and four hours on Saturdays, to the discharge of his or her duties as such deputy inspector, unless prevented by illness or other disability, and no deputy inspector shall engage in any business, occupation or employment during his or her term of office that will in any way interfere with or prevent the full and faithful performance of such duties.

Duties.

ACTS OF 1905.

Chapter 102.—*Inspection of bakeries.*

Section 1. For the purposes of this act and the act to which it is a supplement [inspection of factories act] biscuits, pies, bread, crackers, cakes and confectionery shall be interpreted to be goods, and places wherein the same are made or manufactured shall be held and considered as places where goods are manufactured; the word bakery in this act shall include all buildings, rooms or places where biscuits, pies, bread, crackers, cakes and confectionery are made or manufactured, and the provisions of this act, or any supplement thereof or amendment thereto, shall be enforced by the department of labor, and it shall be the duty of the officers of that department to enforce the provisions of this act. All suits brought for violations of any of the provisions of this act shall be brought in the manner and under the same restrictions as is provided for bringing suits under the act to which this is a supplement.

Bakeries, etc., are factories.

Sec. 3. All buildings or rooms where goods are manufactured or made shall be drained and plumbed in a manner that will conduce to the proper and healthful sanitary condition thereof, and shall have air shafts, windows or ventilating pipes sufficient to insure ventilation; no cellar, basement, or place which is below the street level, shall hereafter be used and occupied as a place in which to manufacture biscuits, pies, bread, crackers, cakes and confectionery, except where the same was used for that purpose at the time of the passing of this act.

Construction.

Sec. 4. Every room used for a bakery shall be at least eight feet in height and shall have, if required by the said commissioner or assistant commissioner, an impermeable floor, constructed of wood properly saturated with linseed oil; the side walls of such rooms shall be plastered or wainscoted, except where brick walls are shown, and if required by the said commissioner or assistant commissioner, shall be whitewashed at least once in three months; the furniture and utensils in such rooms shall be so arranged that the furniture and floor may at all times be kept in a proper and healthful, sanitary and clean condition; the com-

Same subject.

missioner shall have the power to order that any bakery shall be cleaned in such manner as he shall direct; no domestic animal, except cats, shall be allowed to remain in a room used as a bakery.

Storage rooms. SEC. 5. Biscuits, pies, bread, crackers, cake and confectionery, after the same are made or manufactured, shall be kept in dry and airy rooms; the floors, shelves, pans, trays and every kind of appliances used for storing the same shall be so arranged that they can be easily and thoroughly cleaned.

Wash rooms, etc. SEC. 6. Whoever shall conduct a place covered by the provisions of this act shall provide a proper wash room and water-closet or closet separate and apart from the room or rooms in which the manufacture of the goods is carried on; no water-closet, earth closet or privy shall be within or communicate directly with the room in which goods covered by the provisions of this act are made or manufactured.

Sleeping places. SEC. 7. Sleeping places for persons employed in a bakery shall be kept separate from the room or rooms used for the bakery, and the commissioner or assistant commissioner or an inspector may inspect such sleeping places, if they are on the same premises as the bakery, and order them cleaned or changed, in compliance with sanitary principles.

Enforcement. SEC. 8 (as amended by chapter 17, Acts of 1907). The commissioner of labor shall be required to enforce compliance with all provisions of this act, and for that purpose it shall be his duty to have all bakeries visited and inspected at least once in six months; and whenever a complaint in writing, signed by any employee in any such bakery or by any officer or representative of any labor union in the county wherein the same is located, shall be received by the said commissioner, stating that any provision of this act is being violated in any bakery, it shall be the duty of the said commissioner forthwith to have the said bakery concerning which complaint is made visited and inspected. The visit or inspection shall be made in the presence of those then working or employed in said bakery, and during the usual hours of employment therein. All bakeries shall be kept at all times in a clean and sanitary condition. If on inspection the commissioner of labor find any bakery to be so unclean, ill drained or ill ventilated as to be unsanitary, he may, after not less than forty-eight hours' notice in writing, to be served by affixing the notice on the inside of the main entrance door of said bakery, order the person found in charge thereof immediately to cease operating it until it be properly cleaned, drained or ventilated. If such bakery be thereupon continued in operation, or be thereafter operated before it be properly cleaned, drained or ventilated, the commissioner of labor may, after first making and filing in the public records of his office a written order stating the reasons therefor, at once and without further notice fasten up and seal the oven or other cooking apparatus of said bakery, and affix to all materials, receptacles, tools and instruments found therein, labels or conspicuous signs bearing the word "unclean." No one but the commissioner of labor shall remove any such seal, label or sign, and he may refuse to remove it until such bakery be properly cleaned, drained or ventilated.

Unclean, etc., bakeries.

Notices. SEC. 10. All notices given under or pursuant to this act, or any act supplementary thereof or mandatory thereto, shall be in writing, signed by the commissioner of labor, and may be served upon the owner or proprietor of the place wherein such violation occurred either by delivering the same to him in person or by sending it to him by mail at his last known post-office address, with postage prepaid; if his post-office address is not known, then the said notice may be mailed to the address of the bakery or place wherein such violation shall have been committed; the notice providing for the doing of any act or the abating of anything forbidden by this act shall fix the time within which such act shall be done or such thing abated, and if the order shall not be obeyed within the time therein fixed the person so failing to obey shall be liable to the penalty herein fixed for the violation hereof.

Violations. SEC. 11. Any person violating any of the provisions of this act, or any owner or proprietor who fails to obey any order of this act, shall be liable to a penalty of fifty dollars for the first offense and one hundred dollars for each subsequent offense.

NEW YORK.

REVISED STATUTES—THIRD EDITION—1901.

Department of labor—Inspector of factories, etc.

(Page 2094.)

Commissioner of labor.

SECTION 30 (as amended by chapter 505, Acts of 1907). There shall continue to be a department of labor the head of which shall be the commissioner of labor who shall be appointed by the governor by and with the advice and consent of the senate and who shall hold office for a term of four years beginning on the first day of January of the year in which he is appointed. He shall receive an annual salary of five thousand dollars. He shall appoint all officers, clerks and other employees in the department of labor. Wherever the title of factory inspector is used in article one of this chapter or the title of commissioner of labor statistics in article four thereof it shall be construed to mean the commissioner of labor.

Deputies.

SEC. 31 (as amended by chapter 505, Acts of 1907). The commissioner of labor shall forthwith upon entering upon the duties of his office appoint and may at pleasure remove two deputy commissioners of labor, who shall receive such annual salaries, not to exceed three thousand dollars each, as may be appropriated therefor. The powers hereinafter conferred upon the first and second deputy commissioners shall not include the appointment of officers, clerks or other employees in any of the bureaus of the department of labor.

Bureaus.

SEC. 32 (as amended by chapter 505, Acts of 1907). The department of labor shall be divided into three bureaus, as follows: Factory inspection, labor statistics and mediation and arbitration.

Powers.

SEC. 33 (as amended by chapter 505, Acts of 1907). Subdivision 1. The commissioner of labor, his deputies and their assistants and each special agent and deputy factory inspector may administer oaths and take affidavits in matters relating to the provisions of this chapter.

Hindering commissioner.

Sub. 2. No person shall interfere with, obstruct or hinder by force or otherwise the commissioner of labor, his deputies, their assistants or the special agents or deputy factory inspectors while in the performance of their duties, or refuse to properly answer questions asked by such officers pertaining to the provisions of this chapter, or refuse them admittance to any place where and when labor is being performed which is affected by the provisions of this chapter.

Notices, etc.

Sub. 3. All notices, orders and directions of deputies, assistants, special agents and deputy factory inspectors given in accordance with this chapter are subject to the approval of the commissioner of labor. And all acts, notices, orders, permits and directions by any provisions of this chapter directed to be performed or given by the factory inspector, chairman of the board of mediation and arbitration or other officer of the department of labor may be performed or given by and in the name of the commissioner of labor and by any officer of the department thereunto duly authorized by such commissioner in the name of such commissioner.

Badges.

Sub. 4. The commissioner of labor may procure and cause to be used badges for himself and his subordinates in the department of labor while in the performance of their duties.

Expenses.

SEC. 34 (as amended by chapter 505, Acts of 1907). All necessary expenses incurred by the commissioner of labor in the discharge of his duties shall be paid by the State treasurer upon the warrant of the comptroller issued upon proper vouchers therefor. The reasonable and necessary traveling and other expenses of the deputy commissioners, their assistants, the special agents and statisticians, the deputy factory inspectors and other field officers of the department while engaged in the performance of their duties shall be paid in like manner upon vouchers approved by the commissioner of labor and audited by the comptroller.

Suboffices. SEC. 35 (as amended by chapter 505, Acts of 1907). The commissioner of labor may establish and maintain a suboffice in any city of the first class if in his opinion it be necessary. He may designate any one or more of his subordinates to take charge of and manage any such office, subject to his direction. The reasonable and necessary expenses of such office shall be paid as are other expenses of the commissioner of labor.

Reports. SEC. 36 (as amended by chapter 505, Acts of 1907). The commissioner of labor shall report annually to the legislature.

Counsel. SEC. 38 (as amended by chapter 505, Acts of 1907). The commissioner of labor may employ counsel in the department of labor to represent the department or to assist in the prosecution of actions or proceedings brought under the provisions of this chapter. Such counsel shall receive such compensation as may otherwise be provided by law.

Bureau of statistics. SEC. 40 (as amended by chapter 505, Acts of 1907). There shall continue to be a bureau of labor statistics, which shall be under the immediate charge of a chief statistician, but subject to the direction and supervision of the commissioner of labor.

Reports to contain what. SEC. 41 (as amended by chapter 505, Acts of 1907). The commissioner of labor shall collect, assort, systematize and present in annual reports to the legislature, statistical details in relation to all departments of labor in the State, especially in relation to the commercial, industrial, social and sanitary condition of workingmen and to the productive industries of the State. He may subpœna witnesses, take and hear testimony, take or cause to be taken depositions and administer oaths.

Reports from owners, etc. SEC. 42 (as amended by chapter 505, Acts of 1907). The owner, operator, manager or lessee of any mine, factory, workshop, warehouse, elevator, foundry, machine shop or other manufacturing establishment, or any agent, superintendent, subordinate, or employee thereof, and any person employing or directing any labor affected by the provisions of this chapter, shall, when requested by the commissioner of labor, furnish any information in his possession or under his control which the commissioner is authorized to require, and shall admit him to any place where labor is carried on which is affected by the provisions of this chapter for the purpose of inspection. All statistics furnished to the commissioner of labor, pursuant to this article, may be destroyed by such commissioner after the expiration of two years from the time of the receipt thereof. A person refusing to admit such commissioner, or a person authorized by him, to any such establishment, or to furnish him any information requested, or who refuses to answer or untruthfully answers questions put to him by such commissioner, in a circular or otherwise, shall forfeit to the people of the State the sum of one hundred dollars for each refusal or untruthful answer given, to be sued for and recovered by the commissioner in his name of office. The amount so recovered shall be paid in to the State treasury.

Bureau of inspection. SEC. 60 (as amended by chapter 505, Acts of 1907). There shall continue to be a bureau of factory inspection. The first deputy commissioner of labor shall be the factory inspector of the State and in immediate charge of this bureau, but subject to the direction and supervision of the commissioner of labor.

Deputy inspectors. SEC. 61 (as amended by chapter 505, Acts of 1907). The commissioner of labor may appoint from time to time not more than sixty persons as deputy factory inspectors, not more than ten of whom shall be women, and who may be removed by him at any time. The deputy factory inspectors may be divided into three grades, but not more than five shall be of the third grade. Each deputy inspector of the first grade shall receive an annual salary of one thousand dollars, each of the second grade an annual salary of one thousand two hundred dollars and each of the third grade an annual salary of one thousand five hundred dollars.

Districts. SEC. 62 (as amended by chapter 505, Acts of 1907). Subdivision 1. The commissioner of labor may divide the State into districts, assign one or more deputy factory inspectors to each district, and may in his discretion transfer them from one district to another; he may assign any of them to inspect any special class or classes of factories or to enforce

any special provisions of this chapter; and he may assign any one or more of them to act as clerks in any office of the department.

Who may inspect.

Sub. 2. The commissioner of labor may authorize any deputy commissioner or assistant and any special agent or inspector in the department of labor to act as a deptuy factory inspector with the full power and authority thereof.

Entering buildings.

Sub. 3. The commissioner of labor, the first deputy commissioner of labor and his assistant or assistants and every deputy or acting deputy factory inspector may in the discharge of his duties enter any place, building or room where and when any labor is being performed which is affected by the provisions of this chapter, and may enter any factory whenever he may have reasonable cause to believe that any such labor is being performed therein.

Visits to be made.

Sub. 4. The commissioner of labor shall visit and inspect or cause to be visited and inspected the factories, during reasonable hours, as often as practicable, and shall cause the provisions of this chapter to be enforced therein.

Municipal ordinances.

Sub. 5. Any lawful municipal ordinance, by-law or regulation relating to factories, in addition to the provisions of this chapter and not in conflict therewith, may be observed and enforced by the commissioner of labor.

Reports.

SEC. 63 (as amended by chapter 505, Acts of 1907). The commissioner of labor shall make an annual report to the legislature of the operation of this bureau.

Law to be posted.

SEC. 68 (as amended by chapter 505, Acts of 1907). A copy or abstract of the provisions of this chapter applicable thereto, to be prepared and furnished by the commissioner of labor, shall be kept posted by the employer in a conspicuous place on each floor of every factory where persons are employed who are affected by the provisions thereof.

Inspection of factories and workshops.

(Page 2102.)

Elevator ways, etc., to be guarded.

SECTION 79. If, in the opinion of the factory inspector, it is necessary to protect the life or limbs of factory employees, the owner, agent, or lessee of such factory where an elevator, hoisting shafts, or well-hole is used, shall cause, upon written notice from the factory inspector, the same to be properly and substantially enclosed, secured or guarded, and shall provide such proper traps or automatic doors so fastened in or at all elevator ways, except passenger elevators enclosed on all sides, as to form a substantial surface when closed and so constructed as to open and close by action of the elevator in its passage either ascending or descending. The factory inspector may inspect the cable, gearing or other apparatus of elevators in factories and require them to be kept in a safe condition.

Operation by children.

No child under the age of fifteen years shall be employed or permitted to have the care, custody or management of or to operate an elevator in a factory, nor shall any person under the age of eighteen years be employed or permitted to have the care, custody or management of or to operate an elevator therein, running at a speed of over two hundred feet a minute.

No absolute duty devolves upon the owner to provide safeguards until directed so to do in the discretion of the inspector. 28 Abb. New Cases 138.

In the absence of such protection an employee aware of the facts is charged with the duty of avoiding the consequent dangers and a failure to do so makes him guilty of contributory negligence. 72 Hun 403.

The omission to provide the safeguards mentioned in the statute is evidence for the jury on the question of negligence. 81 Hun 195.

This section does not relieve the plaintiff of the burden of showing that there was no contributory negligence. Accepting service in the known absence of the automatic door prescribed is an assumption of risk and waives the benefit of the statute. 70 Hun 530.

Stairways.

SEC. 80. Proper and substantial hand rails shall be provided on all stairways in factories. The steps of such stairs shall be covered with rubber, securely fastened thereon, if in the opinion of the factory inspector the safety of employees would be promoted thereby. The stairs shall be properly screened at the sides and bottom. All doors

Doors to open outwardly.

leading in or to any such factory shall be so constructed as to open outwardly where practicable, and shall not be locked, bolted or fastened during working hours.

Belt shifters, guards, etc.

SEC. 81 (as amended by chapter 366, Acts of 1906). The owner or person in charge of a factory where machinery is used, shall provide, in the discretion of the commissioner of labor, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws, and machinery, of every description, shall be properly guarded. No person shall remove or make ineffective any safeguard around or attached to machinery, vats or pans, while the same are in use, unless for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be promptly replaced.

Fans.

Exhaust fans of sufficient power shall be provided for the purpose of carrying off dust from emery wheels, grindstones and other machinery creating dust; except where in case of woodworking machinery, the commissioner of labor after first making and filing in the public records of his office a written statement of the reasons therefor shall decide that it is unneccessary for the health and welfare of the operatives. If a machine or any part thereof is in a dangerous condition or is not properly guarded, the use thereof may be prohibited by the commissioner of labor and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machine is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used.

Lights.

When in the opinion of the commissioner of labor it is necessary, the workrooms, halls and stairs leading to the workrooms shall be properly lighted, and in cities of the first class, if deemed necessary by the commissioner of labor, a proper light shall be kept burning by the owner or lessee in the public hallways near the stairs upon the entrance floor and upon the other floors on every workday in the year, from the time when the building is opened for use in the morning until the time it is closed in the evening, except at times when the influx of natural light shall make artificial light unnecessary. Such lights to be independent of the motive power of such factory. No male person under eighteen years or woman under twenty-one years of age shall be permitted or directed to clean machinery while in motion. Children under sixteen years of age shall not be permitted to operate or assist in operating dangerous machines of any kind.

The absence of guards imposes no liability on the owner where an employee, knowing their absence, is injured while outside the line of his duty. 131 N. Y. 631.

The proprietor is not hereby made an insurer. His duty is performed when he furnishes a guard sufficient to protect employees from such accidents as may reasonably be apprehended as likely to occur. 75 Hun 283.

Providing guards for dangerous machinery is mandatory. Failure to do so, resulting in injury, is evidence of neglect. 75 Hun 323.

The employee does not waive the provisions of the statute, nor does he assume the risks incident to the use of machinery for which the required safeguards have not been provided by continuing to work, knowing that the machinery is not guarded. 80 Hun 415. (See also notes to section 79, above.)

An employee can waive the provision requiring guards and does so by accepting employment at an unguarded machine. 79 Fed. Rep. 900.

It is error to admit proof of noncompliance with the statute requiring shafts to be inclosed when the failure to comply was not pleaded. 45 N. Y. St. 285.

Fire escapes.

SEC. 82. Such fire escapes as may be deemed necessary by the factory inspector shall be provided on the outside of every factory in this State consisting of three or more stories in height. Each escape shall connect with each floor above the first, and shall be of sufficient strength, well fastened and secured, and shall have landings or balconies not less than six feet in length and three feet in width, guarded by iron railings not less than three feet in height, embracing at least two windows at each story and connected with the interior by easily accessible and unobstructed openings. The balconies or landings shall be connected by iron stairs, not less than eighteen inches wide, with steps of not less than six inches tread, placed at a proper slant and protected by a well secured hand rail on both sides, and shall have a drop ladder not less than twelve inches wide reaching from the lower platform to the ground.

The windows or doors to the landing or balcony of each fire escape shall be of sufficient size and located as far as possible, consistent with accessibility from the stairways and elevator hatchways or openings, and a ladder from such fire escape shall extend to the roof. Stationary stairs or ladders shall be provided on the inside of every factory from the upper story to the roof, as a means of escape in case of fire.

A safe landing place is an essential part of a fire escape. 72 Hun 535.
Keeping windows screwed down is not a violation of the provision requiring openings to be "easily accessible and unobstructed" if the frames are so light as to be easily broken and the processes of manufacture require the windows to remain closed. 48 N. E. Rep. 897.

Power of inspector.

SEC. 83. Any other plan or style of fire escape shall be sufficient if approved in writing by the factory inspector. If there is no fire escape, or the fire escape in use is not approved by the factory inspector, he may, by a written order served upon the owner, proprietor or lessee of any factory, or the agent or superintendent thereof, or either of them, require one or more fire escapes to be provided therefor, at such locations and of such plan and style as shall be specified in such order.

Within twenty days after the service of such order, the number of fire escapes required therein shall be provided, each of which shall be of the plan and style specified in the order, or of the plan and style described in the preceding section.

Where the statutory fire escape has not been provided, if the jury finds that an escape equally safe and convenient has been provided, the employer has performed his duty under the statute. 51 N. Y. St. 248.

Walls, etc.

SEC. 84. The walls and ceilings of each workroom in a factory shall be limewashed or painted, when in the opinion of the factory inspector, it will be conducive to the health or cleanliness of the persons working therein.

Air space.

SEC. 85. No more employees shall be required or permitted to work in a room in a factory between the hours of six o'clock in the morning and six o'clock in the evening than will allow to each of such employees, not less than two hundred and fifty cubic feet of air space; and, unless by a written permit of the factory inspector not less than four hundred cubic feet for each employee, so employed between the hours of six o'clock in the evening and six o'clock in the morning, provided such room is lighted by electricity at all times during such hours, while persons are employed therein.

Ventilation.

SEC. 86 (as amended by chapter 490, Acts of 1907). The owner, agent or lessee of a factory shall provide, in each workroom thereof, proper and sufficient means of ventilation, and shall maintain proper and sufficient ventilation; if excessive heat be created or if steam, gases, vapors, dust or other impurities that may be injurious to health be generated in the course of the manufacturing process carried on therein the room must be ventilated in such a manner as to render them harmless, so far as is practicable; in case of failure the commissioner of labor shall order such ventilation to be provided. Such owner, agent or lessee shall provide such ventilation within twenty days after the service upon him of such order, and in case of failure, shall forfeit to the people of the State, ten dollars for each day after the expiration of such twenty days, to be recovered by the commissioner of labor.

Accidents.

SEC. 87 (as amended by chapter 216, Acts of 1906). The person in charge of any factory shall report in writing to the commissioner of labor all deaths, accidents, or injuries sustained by any person therein or on the premises, within forty-eight hours after the time of the accident, death or injury, stating as fully as possible the cause of the death or the extent and cause of the injury, and the place where the injured person has been sent, with such other or further information relative thereto as may be required by the said commissioner, who may investigate the causes thereof and require such precautions to be taken as will prevent the recurrence of similar happenings. No statement contained in any such report shall be admissible in evidence in any action arising out of the death or accident therein reported.

Water closets, wash rooms, etc.

SEC. 88 (as amended by chapter 485, Acts of 1907). Every factory shall contain a suitable, convenient and separate water-closet or water-

closets for each sex, which shall be properly screened, ventilated, and kept clean and free from all obscene writing or marking; and also, a suitable and convenient wash-room. The water-closets used by women shall have separate approaches. Inside closets shall be maintained whenever practicable and in all cases when required by the commissioner of labor. When women or girls are employed, a dressing-room shall be provided for them, when required by the commissioner of labor. In all brass and iron foundries there shall be provided and maintained for the use of employees, suitable wash-rooms with proper water service, and suitable provision for drying of the working clothes of persons using the same.

Time for meals.

SEC. 89. In each factory at least sixty minutes shall be allowed for the noonday meal, unless the factory inspector shall permit a shorter time. Such permit must be in writing and conspicuously posted in the main entrance of the factory, and may be revoked at any time. Where employees are required or permitted to work overtime for more than one hour after six o'clock in the evening, they shall be allowed at least twenty minutes to obtain a lunch, before beginning to work overtime.

Inspection for safety.

SEC. 90. The factory inspector, or other competent person designated by him, upon request, shall examine any factory outside of the cities of New York and Brooklyn, to determine whether it is in a safe condition. If it appears to him to be unsafe, he shall immediately notify the owner, agent or lessee thereof, specifying the defects, and require such repairs and improvements to be made as he may deem necessary. If the owner, agent or lessee shall fail to comply with such requirement, he shall forfeit to the people of the State the sum of fifty dollars, to be recovered by the factory inspector in his name of office.

Inspection of boilers.

SEC. 91. All boilers used for generating steam or heat for factory purposes shall be kept in good order, and the owner, agent[,] manager or lessee of such factory shall have such boilers inspected by a competent person approved by the factory inspector, once in six months, and shall file a certificate showing the result thereof in such factory office and a duplicate thereof in the office of the factory inspector. Each boiler or nest of boilers used for generating steam or heat for factory purposes shall be provided with a proper safety valve and with steam and water gauges, to show, respectively the pressure of steam and the height of water in the boilers. Every boiler house in which a boiler or nest of boilers is placed, shall be provided with a steam gauge properly connected with the boilers, and another steam gauge shall be attached to the steam pipe in the engine house, and so placed that the engineer or fireman can readily ascertain the pressure carried. Nothing in this section shall apply to boilers in factories which are regularly inspected by competent inspectors acting under the authority of local laws or ordinances.

Employment of women and children at polishing.

SEC. 92 (as amended by chapter 561, Acts of 1903). No male child under the age of eighteen years, nor any female, shall be employed in any factory in this State in operating or using any emery, tripoli, rouge, corundum, stone, carborundum or any abrasive, or emery polishing or buffing wheel, where articles of the baser metals or of iridium are manufactured. The owner, agent or lessee of a factory who employs any such person in the performance of such work is guilty of a misdemeanor and upon conviction thereof shall be fined the sum of fifty dollars for each such violation. The commissioner of labor, his assistants and deputies, shall enforce the provisions of this section.

Laundries classed as factories.

SEC. 92a. A shop, room or building where one or more persons are employed in doing public laundry work by way of trade or for purposes of gain is a factory within the meaning of this chapter, and shall be subject to the visitation and inspection of the factory inspector, and the provisions of this chapter in the same manner as any other factory.

Regulations.

No such public laundry work shall be done in a room used for a sleeping or living room. All such laundries shall be kept in a clean condition and free from vermin and all impurities of an infectious or contagious nature. This section shall not apply to any female engaged in doing custom laundry work at her home for a regular family trade.

Tenant factories.

SEC. 94 (added by chapter 178, Acts of 1906). A tenant factory within the meaning of the term as used in this chapter is a building, separate

parts of which are occupied and used by different persons, companies or corporations, and one or more of which parts is so used as to constitute in law a factory. The owner, whether or not he is also one of the occupants, instead of the respective lessees or tenants, shall be responsible for the observance and punishable for the nonobservance of the following provisions of this article, anything in any lease to the contrary notwithstanding,—namely the provisions of sections seventy-nine, eighty, eighty-two, eighty-three, eighty-six, ninety and ninety-one, and the provisions of section eighty-one with respect to the lighting of halls and stairways; except that the lessees or tenants also shall be responsible for the observance and punishable for the nonobservance of the provisions of sections seventy-nine and ninety-one within their respective holdings. The owner of every tenant factory shall provide each separate factory therein with water-closets in accordance with the provisions of section eighty-eight, and with proper and sufficient water and plumbing pipes and a proper and sufficient supply of water to enable the tenant or lessee thereof to comply with all the provisions of said section. But as an alternative to providing water-closets within each factory as aforesaid, the owner may provide in the public hallways or other parts of the premises used in common, where they will be at all times readily and conveniently accessible to all persons employed on the premises not provided for in accordance with section eighty-eight, separate water-closets for each sex, of sufficient numbers to accommodate all such persons. Such owner shall keep all water-closets located as last specified at all times provided with proper fastenings, and properly screened, lighted, ventilated, clean, sanitary and free from all obscene writing or marking. Outdoor water-closets shall only be permitted where the commissioner of labor shall decide that they are necessary or preferable, and they shall then be provided in all respects in accordance with his directions. The owner of every tenant factory shall keep the entire building well drained and the plumbing thereof in a clean and sanitary condition; and shall keep the cellar, basement, yards, area ways, vacant rooms and spaces, and all parts and places used in common in a clean, sanitary and safe condition, and shall keep such parts thereof as may reasonably be required by the commissioner of labor properly lighted at all hours or times when said building is in use for factory purposes. The term owner as used in this article shall be construed to mean the owner or owners of the freehold of the premises, or the lessee or joint lessees of the whole thereof, or his, her or their agent in charge of the property. The lessee or tenant of any part of a tenant factory shall permit the owner, his agents and servants, to enter and remain upon the demised premises whenever and so long as may be necessary to comply with the provisions of law, the responsibility for which is by this section placed upon the owner; and his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings to recover possession of real property, as provided in the code of civil procedure. And whenever by the terms of a lease any lessee or tenant shall have agreed to comply with or carry out any of such provisions, his failure or refusal so to do shall be a cause for dispossessing said tenant by summary proceedings as aforesaid. Except as in this article otherwise provided the person or persons, company or corporation conducting or operating a factory whether as owner or lessee of the whole or of a part of the building in which the same is situated or otherwise, shall be responsible for the observance and punishable for the nonobservance of the provisions of this article, anything in any lease or agreement to the contrary notwithstanding.

Contagious diseases.

SEC. 95 (added by chapter 178, Acts of 1906). If the commissioner of labor finds evidence of contagious disease present in any tenant factory in which any of the articles enumerated in section one hundred hereof are manufactured, altered, repaired or finished he shall affix to any such articles exposed to such contagion a label containing the word "unclean" and shall notify the local board of health, who may disinfect such articles and thereupon remove such label. If the commissioner of labor finds any of the articles specified in said section one hundred in any workroom or factory in a tenant factory which is foul,

unclean, or unsanitary, he may, after first making and filing in the public records of his office a written order stating the reasons therefor, affix to such articles a label containing the word "unclean." No one but the commissioner of labor shall remove any label so affixed; and he may refuse to remove it until such articles shall have been removed from such factory and cleaned, or until such room or rooms shall have been cleaned or made sanitary.

Manufactures in tenements.

SEC. 100 (as amended by chapter 129, Acts of 1906). No tenement house nor any part thereof shall be used for the purpose of manufacturing, altering, repairing or finishing therein, any coats, vests, knee pants, trousers, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, dresses, waistbands, underwear, neckwear, furs, fur trimmings, fur garments, skirts, shirts, aprons, purses, pocketbooks, slippers, paper boxes, paper bags, feathers, artificial flowers, cigarettes, cigars, umbrellas, or articles of rubber, nor for the purpose of manufacturing, preparing, or packing macaroni, spaghetti, ice cream, ices, candy, confectionery, nuts, or preserves, without a license therefor as provided in this article. But nothing herein contained shall apply to collars, cuffs, shirts or shirt waists made of cotton or linen fabrics that are subjected to the laundrying process before being offered for sale.

License.

Application for such a license shall be made to the commissioner of labor by the owner of such tenement house, or by his duly authorized agent. Such application shall describe the house by street number or otherwise, as the case may be, in such manner as will enable the commissioner of labor easily to find the same; it shall also state the number of apartments in such house; it shall contain the full name and address of the owner of the said house, and shall be in such form as the commissioner of labor may determine. Blank applications shall be prepared and furnished by the commissioner of labor. Upon receipt of such application the commissioner of labor shall consult the records of the local health department or board, or other appropriate local authority charged with the duty of sanitary inspection of such houses; if such records show the presence of any infectious, contagious or communicable disease, or the existence of any uncomplied with orders or violations which indicate the presence of unsanitary conditions in such house, the commissioner of labor, may, without making an inspection of the building, deny such application for a license, and may continue to deny such application until such time as the records of said department, board or other local authority show that the said tenement house is free from the presence of infectious, contagious or communicable disease, and from all unsanitary conditions. Before, however, any such license is granted, an inspection of the building sought to be licensed must be made by the commissioner of labor, and a statement must be filed by him as a matter of public record, to the effect that the records of the local health department or board or other appropriate authority charged with the duty of sanitary inspection of such houses, show the existence of no infectious, contagious or communicable disease nor of any unsanitary conditions in the said house; such statement must be dated and signed in ink with the full name of the employee responsible therefor. A similar statement similarly signed, showing the results of the inspection of the said building must also be filed in the office of the commissioner of labor before any license is granted. If the commissioner of labor ascertain that such building is free from infectious, contagious or communicable disease, that there are no defects of plumbing that will permit the free entrance of sewer air, that such building is in a clean and proper sanitary condition and that the articles specified in this section may be manufactured therein under clean and healthful conditions, he shall grant a license permitting the use of such building, for the purpose of manufacturing, altering, repairing or finishing such articles. Such license shall be framed, such frame to be furnished by the commissioner of labor upon receipt by him of one dollar for which a receipt in writing shall be given, and shall be posted by the owner in a conspicuous place in the public hallway on the entrance floor of the building to which it relates. It may be revoked by the commissioner of labor if the health of the community or of the employees requires it, or if the owner of the said tenement house or his

duly authorized agent fails to comply with the orders of the commissioner of labor within ten days after the receipt of such orders, or if it appears that the building to which such license relates is not in a healthy and proper sanitary condition. In every case where a license is revoked or denied by the commissioner of labor the reasons therefor shall be stated in writing, and the records of such revocation or denial shall be deemed public records. Where a license is revoked, before such tenement house can again be used for the purposes specified in this section, a new license must be obtained, as if no license had previously existed. Every tenement house and all the parts thereof in which any of the articles named in this section are manufactured, altered, repaired or finished shall be kept in a clean and sanitary condition and shall be subject to inspection and examination by the commissioner of labor, for the purpose of ascertaining whether said garments or articles or part or parts thereof, are clean and free from vermin and every matter of an infectious or contagious nature. An inspection shall be made by the commissioner of labor of each licensed tenement house not less than once in every six months, to determine its sanitary condition, and shall include all parts of such house and the plumbing thereof. Before making such inspection the commissioner of labor may consult the records of the local department or board charged with the duty of sanitary inspection of tenement houses, to determine the frequency of orders issued by such department or board in relation to the said tenement house, since the last inspection of such building was made by the commissioner of labor. Whenever the commissioner of labor finds any unsanitary condition in a tenement house for which a license has been issued as provided in this section, he shall at once issue an order to the owner thereof directing him to remedy such condition forthwith. Whenever the commissioner of labor finds any of the articles specified in this section manufactured, altered, repaired or finished or in process thereof, in a room or apartment of a tenement house, and such room or apartment is in a filthy condition, he shall notify the tenants thereof to immediately clean the same, and to maintain it in a cleanly condition at all times; where the commissioner of labor finds such room or apartment to be habitually kept in a filthy condition, he may in his discretion cause to be affixed to the entrance door of such apartment a placard calling attention to such facts and prohibiting the manufacture, alteration, repair or finishing of said articles therein. No person, except the commissioner of labor, shall remove or deface any such placard so affixed. None of the articles specified in this section shall be manufactured, altered, repaired or finished in any room or apartment of a tenement house, where there is or has been a case of infectious, contagious or communicable disease in such room or apartment, until such time as the local department or board of health shall certify to the commissioner of labor that such disease has terminated, and that the said room or apartment has been properly disinfected, if disinfection after such disease is required by the local ordinances, or by the rules or regulations of such department or board. None of the articles specified in this section shall be manufactured, altered, repaired, or finished in a part of a cellar or basement of a tenement house, which is more than one-half of its height below the level of the curb or ground outside of or adjoining the same. No person shall hire, employ or contract with any person to manufacture, alter, repair or finish any of the articles named in this section in any room or apartment in any tenement house not having a license therefor issued as aforesaid. None of the articles specified in this section shall be manufactured, altered, repaired or finished in any room or apartment of a tenement house unless said room or apartment shall be well lighted and ventilated and shall contain at least five hundred cubic feet of air space for every person working therein, or by any person other than the members of the family living therein; except that in licensed tenement houses persons not members of the family may be employed in apartments on the ground floor or second floor, used only for shops of dressmakers who deal solely in the custom trade direct to the consumer, provided that such apartments shall be in the opinion of the commissioner of labor in the highest degree sanitary, well lighted, well ventilated and plumbed,

Semiannual inspections.

Contagious diseases.

Air space.

and provided further that the whole number of persons therein shall not exceed one to each one thousand cubic feet of air space, and that there shall be no children under fourteen years of age living or working therein; before any such room or apartment can be so used a special permit therefor shall be issued by the commissioner of labor, a copy of which shall be entered in his public records with a statement of the reasons therefor. Nothing in this section contained shall prevent the employment of a tailor or seamstress by any person or family for the purpose of making, altering, repairing or finishing any article of wearing apparel for the use of such person or family. Nor shall this section apply to a house if the only work therein on the articles herein specified be carried on in a shop on the main or ground floor thereof with a separate entrance to the street, unconnected with living rooms and entirely separate from the rest of the building by closed partitions without any openings whatsoever and not used for sleeping or cooking.

Exemptions.

Register.

SEC. 101 (as amended by chapter 550, Acts of 1904). Persons contracting for the manufacturing, altering, repairing or finishing of any of the articles mentioned in section one hundred of this act or giving out material from which they or any part of them are to be manufactured, altered, repaired or finished, shall keep a register of the names and addresses plainly written in English of the persons to whom such articles or materials are given to be so manufactured, altered, repaired or finished or with whom they have contracted to do the same. It shall be incumbent upon all persons contracting for the manufacturing, altering, repairing or finishing of any of the articles specified in section one hundred of this act, or giving out material from which they or any part of them are to be manufactured, altered, repaired or finished, before giving out the same to ascertain from the office of the commissioner of labor whether the tenement house in which such articles or materials are to be manufactured, altered, repaired or finished, is licensed as provided in this act, and also to ascertain from the local department or board of health the names and addresses of all persons then sick of any infectious, contagious or communicable disease, and residing in tenement houses; and none of the said articles nor any material from which they or any part of them are to be manufactured, altered, repaired or finished shall be given out or sent to any person residing in a tenement house that is not licensed as provided in this act, or to any person residing in a room or apartment in which there exists any infectious, contagious or communicable disease. The register mentioned in this section shall be subject to inspection by the commissioner of labor, and a copy thereof shall be furnished on his demand as well as such other information as he may require.

Articles not to be sold.

SEC. 102 (as amended by chapter 275, Acts of 1906). Articles manufactured, altered, repaired, or finished contrary to the provisions of section one hundred of this chapter, shall not be sold or exposed for sale by any person. The commissioner of labor may conspicuously affix to any such article found to be unlawfully manufactured, altered, repaired or finished, a label containing the words tenement made printed in small pica capital letters on a tag not less than four inches in length, or may seize and hold such article until the same shall be disinfected or cleaned at the owner's expense. The commissioner of labor shall notify the person stated by the person in possession of said article to be the owner thereof, that he has so labeled or seized it. No person except the commissioner of labor shall remove or deface any tag or label so affixed. Unless the owner or person entitled to the possession of an article so seized shall provide for the disinfection or cleaning thereof within one month thereafter it may be destroyed.

Infected articles.

SEC. 103 (as amended by chapter 550, Acts of 1904). If the commissioner of labor finds evidence of disease present in a workshop or in a room or apartment in a tenement house or dwelling house, in which any of the articles named in section one hundred of this chapter are manufactured, altered, repaired or finished or in process thereof, he shall affix to such articles the label prescribed in the preceding section, and immediately report to the local board of health, who shall disinfect such articles, if necessary, and thereupon remove such label. If the commissioner of labor finds that infectious or contagious diseases exist in a workshop, room or apartment of a tenement or dwelling house in which any of the articles specified in section one hundred of

this chapter, are being manufactured, altered, repaired or finished, or that articles manufactured or in process of manufacture therein are infected or that goods used therein are unfit for use, he shall report to the local board of health. The local health department or board in every city, town and village whenever there is any infectious, contagious or communicable disease in a tenement house shall cause an inspection of such tenement house to be made within forty-eight hours. If any of the articles specified in section one hundred of this act are found to be manufactured, altered, repaired or finished, or in process thereof in an apartment in which such disease exists, such board shall issue such order as the public health may require, and shall at once report such facts to the commissioner of labor, furnishing such further information as he may require. Such board may condemn and destroy all such infected article or articles manufactured or in the process of manufacture under unclean or unhealthful conditions. The local health department or board or other appropriate authority charged with the duty of sanitary inspection of such houses, in every city, town and village shall, when so requested by the commissioner of labor, furnish copies of its records as to the presence of infectious, contagious or communicable disease, or of unsanitary conditions in said houses; and shall furnish such other information as may be necessary to enable the commissioner of labor to carry out the provisions of this act.

Inspection of goods made in other States.

SEC. 104. Whenever it is reported to the factory inspector that any of the articles named in section one hundred of this chapter are being shipped into this State, having previously been manufactured in whole or in part under unclean, unsanitary or unhealthy conditions, said inspector shall examine said articles and the conditions of their manufacture, and if upon such examination said goods or any part of them are found to contain vermin or to have been manufactured in improper places or under unhealthy conditions, he shall forthwith affix to them the tag or label hereinbefore described and report thereof to the local board of health which board shall thereupon make such order or orders as the public safety may require.

Duty of owner, etc.

SEC. 105 (as amended by chapter 550, Acts of 1904). The owner or agent of a tenement house or dwelling house shall not permit the use thereof for the manufacture, repair, alteration or finishing of any of the articles mentioned in this article contrary to its provisions. If a room or apartment in such tenement house or dwelling house be so unlawfully used, the commissioner of labor shall serve a notice thereof upon such owner or agent. Unless such owner or agent shall cause such unlawful manufacture to be discontinued within ten days after the service of such notice, or within fifteen days thereafter institutes and faithfully prosecutes proceedings for the dispossession of the occupant of a tenement house, or dwelling house who unlawfully manufactures, repairs, alters or finishes such articles therein, he shall be deemed guilty of a violation of this article, as if he, himself, was engaged in such unlawful manufacture, repair, alteration or finishing. The unlawful manufacture, repair, alteration or finishing of any of such articles by the occupant of a room or apartment of a tenement house, or dwelling shall be a cause for dispossessing such occupant by summary proceedings to recover possession of real property, as provided in the code of civil procedure.

Regulation and inspection of bakeries, etc.

(Page 2108.)

Sanitation.

SECTION 111 (as amended by chapter 418, Acts of 1907). All buildings or rooms occupied as biscuit, bread, macaroni, spaghetti, pie or cake bakeries, shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows or ventilating pipes, sufficient to insure adequate and proper ventilation. No cellar or basement, shall be occupied or used, as a bakery, unless the proprietor shall comply with the provisions of this article, except that any cellar or basement less than eight feet in height which was used for a bakery on the second day of

May, eighteen hundred and ninety-five, need not be altered to conform to the provision with respect to height of rooms. Basements or cellars used as confectionery and ice cream manufacturing shops, shall be not less than seven feet in height; except that any cellar or basement more than six feet in height which was used as a confectionery or ice cream manufacturing shop before October first, nineteen hundred and six, need not be altered to conform with this provision.

Construction of rooms, etc.

SEC. 112. Every room used for the manufacture of flour or meal food products shall be at least eight feet in height and shall have, if deemed necessary by the factory inspector, an impermeable floor constructed of cement, or of tiles laid in cement, or an additional flooring of wood properly saturated with linseed oil. The side walls of such rooms shall be plastered or wainscoted. The factory inspector may require the side walls and ceilings to be whitewashed, at least once in three months. He may also require the woodwork of such walls to be painted. The furniture and utensils shall be so arranged as to be readily cleansed and not prevent the proper cleaning of any part of a room. The manufactured flour or meal food products shall be kept in dry and airy rooms so arranged that the floors, shelves and all other facilities for storing the same can be properly cleaned.

Wash rooms, etc.

SEC. 113. Every such bakery shall be provided with a proper wash room and water-closet or water-closets apart from the bake room, or rooms where the manufacture of such food product is conducted, and no water-closet, earth closet, privy or ash pit shall be within or connected directly with the bake room of any bakery. hotel or public restaurant.

Sleeping places.

No person shall sleep in a room occupied as a bake room. Sleeping places for the persons employed in the bakery shall be separate from the rooms where flour or meal food products are manufactured or stored. If the sleeping places are on the same floor where such products are manufactured, stored or sold, the factory inspector may inspect and order them put in a proper sanitary condition.

Bakeries, etc., are factories.

SEC. 114 (as amended by chapter 401, Acts of 1906). Bakeries and confectionery establishments are factories within the meaning of this act and are subject to the provisions of article six thereof [sections 79 to 92a, above]. They shall be kept at all times in a clean and sanitary condition.

Inspection.

If on inspection the commissioner of labor find any bakery or confectionery to be so unclean, ill drained, or ill ventilated as to be unsanitary, he may after not less than forty-eight hours' notice in writing to be served by affixing the notice on the inside of the main entrance door of said bakery, order the person found in charge thereof immediately to cease operating it until it be properly cleaned, drained, or ventilated. If such bakery or confectionery be thereupon continued in operation or be thereafter operated before it be properly cleaned, drained, or ventilated, the commissioner of labor may, after first making and filing in the public records of his office a written order stating the reasons therefor, at once and without further notice fasten up and seal the oven or other cooking apparatus of said bakery or confectionery, and affix to all materials, receptacles, tools and instruments found therein, labels or conspicuous signs bearing the word unclean. No one but the commissioner of labor shall remove any such seal, label, or sign, and he may refuse to remove it until such bakery or confectionery be properly cleaned, drained, or ventilated.

Notice of alterations.

SEC. 115. If, in the opinion of the factory inspector, alterations are required in or upon premises occupied and used as bakeries, in order to comply with the provisions of this article [secs. 110–115], a written notice shall be served by him upon the owner, agent or lessee of such premises, either personally or by mail, requiring such alterations to be made within sixty days after such service, and such alterations shall be made accordingly.

Violations of the labor law.

(Page 2121.)

Violation.

SECTION 209 (as amended by chapter 506, Acts of 1907). Any person who violates or does not comply with:

1. The provisions of article two of the labor law, relating to the department of labor;

2. The provisions of article three of the labor law, relating to the bureau of labor statistics;
3. The provisions of article five of the labor law, relating to the bureau of factory inspection;
4. The provisions of article six of the labor law, relating to factories;
5. The provisions of article seven of the labor law, relating to the manufacture of articles in tenements;
6. The provisions of article eight of the labor law, relating to bakeries and confectionery establishments;
7. The provisions of article eleven of the labor law, relating to mercantile establishments, and the employment of women and children therein;
8. And any person who knowingly makes a false statement in or in relation to any application made for an employment certificate as to any matter required by articles six and eleven of the labor law to appear in any affadavit, record, transcript or certificate therein provided for, is guilty of a misdemeanor and upon conviction shall be punished for a first offense by a fine of not less than twenty nor more than fifty dollars; for a second offense by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment for not more than thirty days or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment. Penalty.

Factories and workshops—Sweating system.

(Page 2813.)

SECTION 28. No room or apartment in a tenement or dwelling house, used for eating or sleeping purposes, shall be used for the manufacture, wholly or partly, of coats, vests, trousers, knee pants, overalls, cloaks, shirts, purses, feathers, artificial flowers or cigars, except by the members of the family living therein, which shall include a husband and wife and their children, or the children of either. A family occupying or controlling such a workshop shall, within fourteen days from the time of beginning work therein, notify the board of health of the city, village or town, where such workshop is located, or a special inspector appointed by such board, of the location of such workshops, the nature of the work carried on, and the number of persons employed therein; and thereupon such board shall, if it deems advisable, cause a permit to be issued to such family to carry on the manufacture specified in the notice. Such board may appoint as many persons as it deems advisable to act as special inspectors. Such special inspectors shall receive no compensation, but may be paid by the board their reasonable and necessary expenses. If a board of health or such inspector shall find evidence of infectious or contagious diseases present in any workshop, or in goods manufactured or in process of manufacture therein the board shall issue such orders as the public health may require, and shall condemn and destroy such infectious and contagious articles, and may, if necessary to protect the public health, revoke any permit granted by it for manufacturing goods in such workshop. If a board of health or any such inspector shall discover that any such goods are being brought into the State, having been manufactured, in whole or in part, under unhealthy conditions, such board or inspector shall examine such goods, and if they are found to contain vermin, or to have been made in improper places or under unhealthy conditions, the board may make such orders as the public health may require, and may condemn and destroy such goods. Manufactures in tenement houses. Permit. Infectious diseases.

ACTS OF 1901.

CHAPTER 466.—AMENDING THE CHARTER OF GREATER NEW YORK.

CHAPTER 8.—*Inspection of steam boilers—New York City.*

SECTION 342. Every owner, agent or lessee of a steam boiler or boilers in use in the city of New York shall annually, and at such convenient times and in such manner and in such form as may, by rules and Boilers to be reported.

regulations to be made therefor by the police commissioner be provided, report to the said department the location of each steam boiler or boilers, and thereupon, and as soon thereafter as practicable, the sanitary company or such member or members thereof as may be competent for the duty herein described, and may be detailed for such duty by the police commissioner shall proceed to inspect such steam boilers, and all apparatus and appliances connected therewith; but no person shall be detailed for such duty except he be a practical engineer, and the strength and security of each boiler shall be tested by atmospheric and hydrostatic pressure and the strength and security of each boiler or boilers so tested shall have, under the control of the said sanitary company, such attachments, apparatus and appliances as may be necessary for the limitation of pressure, locked and secured in like manner as may be from time to time adopted by the United States inspectors of steam boilers or the Secretary of the Treasury, according to act of Congress, passed July twenty-fifth, eighteen hundred and sixty-six; and they shall limit the pressure of steam to be applied to or upon such boiler, certifying each inspection and such limit of pressure to the owner of the boiler inspected, and also to the engineer in charge of same, and no greater amount of steam or pressure than that certified in the case of any boiler shall be applied thereto. In limiting the amount of pressure, wherever the boiler under test will bear the same, the limit desired by the owner of the boiler shall be the one certified. Every owner, agent or lessee of a steam boiler or boilers in use in the city of New York shall, for the inspection and testing of such or each of such boilers, as provided for in this act, and upon receiving from the police department a certificate setting forth the location of the boiler inspected, the date of such inspection, the persons by whom the inspection was made, and the limit of steam pressure which shall be applied to or upon such boiler or each of such boilers pay annually to the police commissioner for each boiler, for the use of the police pension fund, the sum of two dollars, such certificate to continue in force for one year from the granting thereof when it shall expire, unless sooner revoked or suspended. Such certificate may be renewed upon the payment of a like sum and like conditions, to be applied to a like purpose. It shall not be lawful for any person or persons, corporation or corporations, to have used or operated within the city of New York any steam boiler or boilers except for heating purposes and for railway locomotives, without having first had such boiler or boilers inspected or tested and procured for such boiler or each of such boilers so used or operated the certificate herein provided for. The superintendent and inspectors of boilers, in the employ of the police department, in the city of Brooklyn, and the boiler inspectors in Long Island City, shall continue to discharge the duties heretofore devolved upon them, subject, however, to removal for cause, or when they are no longer needed.

Inspection.

Certificate.

Fee.

Engineer's certificate required.

SEC. 343. It shall not be lawful for any person or persons to operate or use any steam boiler to generate steam except for railway locomotive engines, and for heating purposes in private dwellings, and boilers carrying not over ten pounds of steam and not over ten horsepower, or to act as engineer for such purposes in the city of New York without having a certificate of qualification therefor from practical engineers detailed as such by the police department, such certificate to be countersigned by the officer in command of the sanitary company of the police department of the city of New York and to continue in force one year, unless sooner revoked or suspended. Such certificate may be revoked or suspended at any time by the police commissioner upon the report of any two practical engineers, detailed as provided in this section, stating the grounds upon which such certificate should be revoked or suspended. Where such certificate shall have been revoked, as provided in this section, a like certificate shall not in any case be issued to the same person within six months from the date of the revocation of the former certificate held by such person.

Records.

SEC. 344. A correct record in proper form shall be kept and preserved of all inspections of steam boilers made under the direction of the police board, and of the amount of steam or pressure allowed in each case, and in cases where any steam boiler or the apparatus or appli-

ances connected therewith shall be deemed by the department, after inspection, to be insecure or dangerous, the department may prescribe such changes and alterations as may render such boilers, apparatus and appliances secure and devoid of danger. And in the meantime, and until such changes and alterations are made and such appliances attached, such boiler, apparatus and appliances may be taken under the control of the police department and all persons prevented from using the same, and in cases deemed necessary, the appliances, apparatus or attachment for the limitation of pressure may be taken under the control of the said police department.

Exceeding authorized pressure.

SEC. 345. It shall not be lawful for any person or persons to apply or cause to be applied to any steam boiler a higher pressure of steam than that limited for the same in accordance with the provisions of this chapter, and any person violating the provisions of the last preceding section shall be guilty of a misdemeanor.

Failing to report.

In case any owner of any steam boiler in the said city shall fail or omit to have the same reported for inspection, as provided by law, such boiler may be taken under the control of the police department and all persons prevented from using the same until it can be satisfactorily tested, as hereinbefore provided for, and the owner shall, in such case, be charged with the expense of so testing it.

NORTH DAKOTA.

REVISED CODES OF 1905.

Fire escapes on factories, etc.

Fire escapes to be provided.

SECTION 2175. The owners and proprietors of all hotels, factories, public halls, offices and other buildings in this State, over two stories in height, are required to provide safe and suitable fire escapes from all rooms above the second story of such hotel or other building, and when rooms have no outside windows there shall be affixed to the windows in the hallway leading from such room at least three fire escapes in each window as herein directed. Such fire escape shall consist of at least one good cotton rope not less than one inch in diameter, to be securely and permanently fastened with iron rings or bolts at a point immediately outside or inside of at least one window in each room above the second story; and such rope shall be of sufficient length to reach to the ground: *Provided*, That if the owner or proprietor of any such buildings shall provide good and sufficient iron ladders extending from each of the windows herein mentioned, and from points immediately adjacent to each of such windows, to the ground, securely and permanently fastened to such building, or shall have the fire escape ladder in each of the rooms and hall windows aforesaid, of sufficient length to reach from such windows to the ground, he will be deemed to have complied with the requirements of this section.

Proviso.

Penalty.

SEC. 2176. Any person violating any of the provisions of the last section shall be punished by a fine of not less than twenty-five dollars for each room in such hotel or other building not provided with fire escapes as aforesaid.

Factories and workshops—Doors to swing outwardly.

Doors to open outwardly.

SECTION 2177. All doors of ingress and egress in all buildings used for * * * factories, * * * wherein numbers of persons are employed * * * shall be so constructed as to open and swing outward, and doorways shall not be less than four feet in width, with proper landings and stairways of at least equal width.

Penalty.

SEC. 2179. Any person failing to comply with the provisions of * * * [section 2177], or who shall build, maintain or permit to be used any such building contrary to the provisions hereof shall be deemed guilty of a misdemeanor.

OHIO.

BATES'S ANNOTATED STATUTES—THIRD EDITION.

Factories and workshops—Inspection, etc.

Fire escapes.

SECTION 2573. It shall be the duty of any owner or agent ior owner of any factory, workshop, tenement house, inn, or public house, if such factory, workshop, tenement house, inn, or public house be more than two stories high, to provide [a] convenient exit from the different upper stories of said building, which shall be easily accessible in case of fire, * * *

If the owner of the factory and the owner of the building are not the same person, the duty prescribed in this section devolves upon the former. 42 O. S. Rept. 458.

Inspectors.

SEC. 2573a (as amended by act, page 530, Acts of 1904). For the purpose of providing an adequate force for the efficient and thorough inspection of workshops and factories throughout the State of Ohio, the governor shall appoint, by and with the advice and consent of the senate, one chief inspector, who, with the approval of the governor, shall appoint thirteen district inspectors.

The chief inspector and district inspectors shall be competent and practical mechanics.

The chief inspector shall hold his office for a term of four years, and shall have his office in the statehouse, where shall be kept the records of his office; and the district inspectors shall hold their offices for a term of three years from the first day of May after their respective appointments, and until their successors are appointed and qualified: *Provided, however*, That the chief inspector and the district inspectors in office at the time of this act shall serve out their respective terms for which they have been appointed. In case of the resignation, removal or death of the chief inspector, or any district inspector, the vacancy shall be filled in the manner above provided for the original appointments for the unexpired term only of the position so made vacant.

Chief inspector.

2. The chief inspector shall make such assignments of all the district inspectors as the good of the service may require, and shall issue such instructions, and make such rules and regulations for the government of the district inspectors not inconsistent with the powers and duties vested in them by law as shall secure uniformity of action and proceedings throughout the different districts into which he shall divide the State.

The salary of the chief inspector shall be two thousand dollars ($2,000) per annum, and the district inspectors twelve hundred dollars ($1,200) each per annum, which salaries and all necessary traveling expenses incurred by said inspectors in the discharge of their official duties shall be paid out of the treasury of the State from any fund therein not otherwise appropriated on the warrant of the auditor, on the presentation to him of the proper vouchers.

Powers, duties, etc.

3 (as amended by act, page 338, Acts of 1902). The chief inspector and district inspectors shall give their whole time and attention to the duties of their offices respectively; they shall have the power of notary, to administer oaths and to take affidavits in matters connected with the enforcement of the provisions of all laws coming under the jurisdiction of the department of the inspection of workshops, factories and public buildings. It shall be their duty to visit all shops and factories in their respective districts as often as possible, to see that all the provisions and requirements of this act are strictly observed and carried out; they shall carefully inspect the sanitary condition of the same, and it shall be their duty to examine the system of sewerage in connection with said shops and factories, the situations and conditions of water-closets or urinals in and about such shops and factories and also the system of heating, lighting and ventilating all rooms in such shops and factories where persons are employed at daily labor; also as to the means of exit from all such places in case of fire or other disaster; and also all belting, shafting, gearing, elevators, drums and machinery of every kind and description in and about such shops and factories, and see that the same are not located so as to be dangerous to employees when engaged in

their ordinary duties, and that the same so far as practicable, are securely guarded, and that every vat, pan or structure filled with molten metal or hot liquid shall be surrounded with proper safeguards for preventing accident or injury to those employed at or near them; and that all such are in proper sanitary condition, and are adequately provided with means of escape in case of fire or other disaster.

Additional inspectors.

SEC. 2573a–2. Authority * * * is hereby given to appoint eight additional district inspectors; and they shall be appointed in the same manner and possess the same qualifications, and whose term of office shall be the same and on the same conditions, and receive the same compensation as the three district inspectors authorized by said section 2573a, including sections two and three thereof. The chief inspector may assign said additional inspectors for service in the present districts, or change and make new and smaller districts, and make such assignments of all the district inspectors as the good of the service may require.

Entering factories, etc.

SEC. 2573b (as amended by act, page 530, Acts of 1904). The said inspector shall have entry into all shops and factories, including all public institutions of the State which have shops and factories, or either, at any reasonable time, and it shall be unlawful for the proprietors, agents or servants in such factories or shops to prevent, at reasonable hours, his entry into such shops or factories for the purpose of such inspection. And proof of the failure of the proprietor of any shop or factory to make the alteration or furnish the safeguards ordered by the inspector, within the time required by law, shall be deemed prima facie evidence of negligence and shall render such proprietor liable for any injury sustained by reason of such failure to make such alterations or furnish such safeguards.

Injurious or dangerous conditions.

SEC. 2573c (as amended by act, page 530, Acts of 1904). Said inspectors, if they find upon such inspection that the heating, lighting, ventilation or sanitary arrangement of any shop or factory is such as to be injurious to the health of persons employed or residing therein, or that the means of egress in case of fire or other disaster is not sufficient, or that efficient means for extinguishing fire is not provided on each floor, or that the belting, shafting, gearing, elevators, drums and machinery in such shops and factories are located so as to be dangerous to employees, and not sufficiently guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accident or injury to those employed at or near them, shall notify the owners, proprietors or agents of such shops or factories by mailing such notifications to the last known address of such owners, proprietors or agents to make the alterations or additions necessary without delay: *Provided, however*, That for such of the alterations and additions ordered as may be of such nature as to make it impossible to comply with immediately, the chief inspector may grant from fifteen (15) to thirty (30) days' time from date of first notification to such owners, proprietors or agents, in which to make such alterations and additions, and if such alterations are not made within the limit of time granted, such owners, proprietors or agents so notified, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than five hundred (500) dollars, and not less than fifty (50) dollars, and ten (10) dollars additional for each day after such conviction, until such alterations and additions necessary have been made, which fine shall be paid into the treasury of the county in which conviction is had. The district inspectors shall make a record of all examinations of shops and factories in their respective districts, showing the date when made, the condition in which shops and factories are found, and what changes were ordered, the number of shops and factories in their respective districts, the number of men, women and children employed in each shop or factory, together with all such other facts and information of public interest concerning the condition of such shops and factories as they may think useful and proper, which record shall be filed in the office of the chief inspector every week, and so much thereof as may be of public interest to be included in his annual report.

Alterations.

Definitions.

SEC. 2573d. The term "shops and factories," as used in section 2573b and 2573c of the Revised Statutes, shall be held to include the

following: Manufacturing, mechanical, electrical, mercantile, art and laundering establishments, printing, telegraph and telephone offices, railroad depots, hotels, memorial buildings, tenement and apartment houses; and in case it is found on inspection under section 2573c that the means of egress in case of fire or other disaster is not sufficient in any shop or factory, as defined herein, or when found necessary for cutting through walls or floors for additional exit, or providing additional stairways as exits on the inside or outside of such shops and factories, or where it is necessary for changes or additions for ventilation, sewerage or water-closets, or plumbing in connection with closets, or for additional means of lighting by windows or by skylights, or for providing efficient safety gates at elevator openings, or guarding hatchways, for any hoisting apparatus in floors or outside of any such shops and factories, or for the repair of elevators or gearing, or for the repair of walls, roofs, ceilings, stairways or doors, or any other improvements necessary for the health or safety of employees or persons occupying such shops and factories, such changes or additions being of a permanent and fixed character, and which, after provided, become a permanent fixture and the property of the owner or owners of the building or buildings of such shops and factories, the owner or agent for the owner of such building shall be required by the State inspector, upon the notice and under the penalties of the said section 2573c, to provide the necessary fire escapes or other changes and additions as are mentioned in this section.

Who responsible for alterations.

Accidents to be reported.

SEC. 2573–1. It shall be the duty of all manufacturers of the State, to forward by mail to the chief inspector of workshops and factories, at Columbus, a report of each and every serious accident, resulting in bodily injury to any person, which may occur in their establishment, giving particulars of the same as fully as can be ascertained, upon blanks which shall be furnished by the chief inspector of workshops and factories. If death shall result to any employee from any such accident, said report shall contain the age, name, sex and employment of the deceased, whether married, the number of persons, if any, deprived of support in consequence thereof, and the cause of the accident, if known. If the accident has caused bodily injury of such a nature as to prevent the person injured from returning to his or her employment within six or more days after the occurrence of the accident, then the report shall contain the age, name, sex and employment of the disabled, the nature and extent of the injury received, how caused, if known, how long continuously disabled, loss of time and wages therefrom, and if possible the expenses thereby incurred in full.

Penalty.

SEC. 2573–2. Any manufacturer who shall fail to comply with the requirements of this act [secs. 2573–1 to 2573–3] in each case of death by accident within seven days thereafter, and in each case of injury by accident within thirty days thereafter, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be fined in any sum not less than ten dollars nor more than fifty dollars.

Definition.

The term manufacturer, as applied in section one and in section two of this act [secs. 2573–1 and 2573–2], shall be held to mean any person who, as owner, manager, lessee, assignee, receiver, contractor, or who, as agent of any incorporated company makes or causes to be made or who deals in any kind of goods or merchandise, or who owns, controls or operates any street railway or laundrying [laundering] establishment, or is engaged in the construction of buildings, bridges or structures, or in loading or unloading vessels, or cars, or moving heavy materials, or operating dangerous machinery, or in the manufacture or use of explosives.

Blanks.

SEC. 2573–3. It shall be the duty of the chief inspector of workshops and factories to supply all blanks necessary to make said reports as required in this act, and to prosecute all violations of this act when the same shall come to his knowledge: *Provided*, That the furnishing of said blanks shall be a condition precedent to prosecution in any case.

Duty of mayor.

SEC. 2574. It shall be the duty of the mayor of each city or village to require the owner or agent for owner of any factory, workshop, tenement house, or inn or public house, within the meaning of the next preceding section [sec. 2573], to comply with the requirements of said sec-

tion within sixty days from the serving of a notice by the mayor so to do, unless such owner or agent for owner shall have previously complied with the requirements of said preceding section, and if any such owner or agent of owner neglects or refuses to comply with the requirements of the next preceding section within the time specified in said notice, he shall forfeit not less than fifty nor more than three hundred dollars for each and every month he so fails to comply therewith, * * * Penalty.

Civil liability of an owner is not dependent on the mayor having given the notice named in this section. 49 O. S. Rep. 213.

SEC. 2575. It shall be the duty of the mayor of such city or village, personally, or by the marshal or head of police of such city or village, or other proper person whom the mayor may appoint acting under the direction of the mayor, as inspectors of fire escapes to carefully examine such factories, workshops, tenement houses, inns or public houses once in each year, and report all violations of the provisions of sections twenty-five hundred and seventy-three and twenty-five hundred and seventy-four to the council of such city or village, when proceedings shall be commenced, without unnecessary delay, against the person so offending, and said mayor, marshal, or head of police, or person so appointed by the mayor to act as inspector of fire escapes shall be entitled to receive for said notices and said examination such fees as the council may by ordinance provide. Inspections by mayor.

Factories and workshops—Inspection, etc.—Cleveland.

SECTION 2575–30. In every factory or workshop, all machinery and appliances connected therewith, also every vat, pan or other structure with molten metal or hot liquids, shall be constructed in such a manner and so guarded as to protect those employed in their operation and use, or about them. Guards for machinery, etc.

SEC. 2575–31. Elevators located and operated in the wellholes of stairways shall, together with the stairs and the landing thereof, be constructed of fireproof material. All elevators so required in the judgment of the inspector shall be inclosed with walls of incombustible material, or with substantial stud partitions covered with metal lathing and three coats of plastering on each side, and said walls or partitions shall be carried through the roof. All elevator openings through floors shall be protected by proper rails or gates, or the openings in floors through which the elevator passes shall be closed with trapdoors covered on the under side with metal. The roof over every elevator within a shaft, as above provided, shall be formed with a skylight of sheet glass, of at least one-half the area of the shaft. Elevators.

SEC. 2575–32. All buildings, except such as are used for private residences exclusively, in such city of the first class, second grade, of three or more stories in height, shall be provided with one or more suitable fire escapes, extending from the first story to the upper stories of such building, and above the roof, and on the outer walls thereof, in such location and numbers, and of such material and construction as the inspector may determine. After such determination by the said inspector, he may, at any time, by a notice served upon the owner, lessee or occupant of any such building, by leaving with such owner, lessee or occupant, or at his or their residence or place of business, a copy of such notice, require such owner, lessee or occupant, or either of them, to cause such metallic fire escape to be placed upon such building within thirty days after the service of such notice: *Provided, however,* That all buildings more than two stories high, used for manufacturing purposes, shall have one suitable fire escape for every twenty-five persons or less employed above the second story, or a fireproof stairway. In case the lessee, owner, or occupant, or either of them, so served with notice as aforesaid, shall not, within thirty days after the service of such notice upon him or them, place or cause to be placed such suitable fire escape upon such building as required by this article and the terms of such notice, he or they shall be subject to a fine of not less than $10.00 nor more than $100.00, and to a further fine of $50.00 for each week of such neglect to comply with such notice after the service of the same. Fire escapes. Proviso. Penalty.

SEC. 2575–33. No buildings within the limits of such city of the first class shall be used or occupied, in whole or in part, for any of the trades or occupations hereinafter mentioned, to wit: Planing mill, Vaults in wood - working establishments.

sash, door, and blind factories, wagon or carriage factories, cabinet and furniture manufactories, wood-turning and veneering works, agricultural implement manufactories, box or shingle factories, or any other woodworking factory, two or more stories in height, unless such building so occupied shall have in connection with it a brick or fireproof vault of sufficient capacity to contain all shavings, sawdust, chips, or other light combustible refuse connected therewith; all such shavings and other light combustible refuse or material shall be removed daily from such premises to such vault, and all such shavings or light combustible refuse shall be removed daily from any and every carpenter, cooper, or woodworking shop not herein specified.

Doors and stairways.

SEC. 2575–34. No person shall hereafter, either as owner, lessee or agent, use or occupy, or permit the use and occupation of any store, factory, workshop, or other structure, where any person or persons shall be employed as workmen or workwomen, for wages in any trade or occupation, unless every such store, factory, workshop or other structure shall be provided with sufficient fireproof doors and stairways for the escape of employees in the event of fire or other accident happening, under the penalty of not less than $25.00 for each and every offense, and a further penalty of $50.00 for each and every day each owner, lessee or agent shall, after the first conviction, neglect or refuse to comply with any provisions in this section.

Factories and workshops—Inspection, etc.—Columbus and Cincinnati.

Guards for machinery, etc.

SECTION 2575–82. In every factory or workshop all machinery and appliances connected therewith, also every vat, pan or other structure with molten metal or hot liquids shall be constructed in such manner and so guarded as to protect those employed in their operation and use, or about them.

Elevators.

SEC. 2575–83. Elevators located and operated in the wellholes of stairways, shall, together with the stairs and the landing thereof, be constructed of fireproof material. All elevators so required in the judgment of the inspector shall be inclosed with walls of incombustible material, or with substantial stud partitions covered with metal lathing and three coats of plastering on each side, and said walls or partitions shall be carried through the roof. All elevator openings through floors shall be protected by proper rails or gates, or the openings in floors through which the elevator passes shall be closed with trapdoors, covered on the under side with metal. The roof over every elevator within a shaft as above provided, shall be formed with a skylight of sheet glass, of at least one-half the area of the shaft.

Inspection.

SEC. 2575–84. The inspector of buildings shall make regulations for the inspection of electric, steam and hydraulic passenger and freight elevators, with a view to the safety of passengers and of those operating or using passanger [passenger] or freight elevators, and shall also prescribe suitable qualifications for persons who are placed in charge of running such passenger or freight elevators. The regulations so made shall require any repairs found necessary upon inspection to be made without delay; and in case defects are found to exist which would endanger life by continual use of such elevator, then in either of said cases, upon notice of the inspector of buildings, the use of such elevator shall cease and it shall not again be used until a certificate shall be first obtained from said inspector of buildings that such elevator has been put in safe order and [is] fit for use.

Doors.

SEC. 2575–85. Every entrance to a passenger elevator shall be provided with a sliding door with automatic or self-latching lock, said lock to be accessible only to the person in charge of and operating said elevator, and in no case shall said person in charge of and running or operating said elevator allow, permit or cause the cab or car of such elevator to be raised or lowered until the door guarding such cab or car entrance has been completely closed and securely latched.

Operation.

SEC. 2575–86. No passenger, employee or person other than the operator or person duly qualified and in charge of the operation of said elevator, cab or car shall be permitted to handle, operate or manipulate any rope, shifting rod, lever or other thing attached to or used to start or stop any elevator, cab or car, unless called upon by the person in

charge of and operating said elevator, who finds it impossible to control and manage said elevator, cab or car by reason of the machinery used in operating said elevator refusing to act.

Safety clutch.

SEC. 2575–87. All elevator cabs or cars, whether used for freight or passengers, shall be provided with some suitable mechanical device to be approved by the inspector of buildings, whereby the cabs or cars will be securely held in the event of accidents to the ropes or hoisting apparatus, or from any similar cause.

Minors not to operate.

SEC. 2575–91. No person under twenty-one years of age shall be employed in running or operating any electric, steam or hydraulic passenger or freight elevators, and it shall be unlawful for any firm, company or person in the State of Ohio, owning, operating or having in charge any such passenger or freight elevator or elevators to employ a person under twenty-one years of age to run or operate any such elevator.

Penalty.

SEC. 2575–92. Any person, firm or corporation, or any agent, trustee, director, officer or employee of any person, firm or corporation, who shall employ any person contrary to the provisions of the foregoing section, or who shall violate any of its provisions, shall, upon conviction thereof, be fined in any sum not less than twenty-five nor more than one hundred dollars, or imprisonment not less than thirty nor more than sixty days.

Vaults in woodworking factories.

SEC. 2575–94. No buildings within the limits of said city of the first class shall be used or occupied, in whole or in part, for any of the trades or occupations hereinafter mentioned, to wit: Planing mill, sash, door and blind factories, wagon or carriage manufactories, cabinet and furniture manufactories, wood-turning and veneering works, agricultural implement manufactories, box or shingle factories, or any other woodworking factory, two or more stories in height, unless such building so occupied shall have in connection with it a brick or fireproof vault of sufficient capacity to contain all shavings, sawdust, chips, or other light combustible refuse connected therewith; all such shavings and other light combustible refuse or material shall be removed daily from such premises to such vault.

Use of certain buildings forbidden.

SEC. 2575–95. No person shall hereafter, either as owner, lessee or agent, use or occupy or permit the use and occupation of any store, factory, workshop or other structure, where any person or persons shall be employed as workmen or workwomen, for wages, in any trade or occupation, unless every such store, factory, workshop or other structure shall be provided with sufficient fireproof doors and stairways for the escape of employees in the event of fire or other accident happening, under the penalty of not less than $25 for each and every offense, and a further penalty of $50 for each and every day each owner, lessee or agent shall, after the first conviction, neglect or refuse to comply with any provisions in this section.

Factories, workshops, etc.—Inspection, etc.

Fire escapes.

SECTION 2575–131. All buildings, except such as are used exclusively for private residences, in every city of the first and second grades of the first class, of three or more stories in height, shall each be provided with one or more good and suitable fire escapes, extending from the first story to the upper stories of such building, and above the roof and on the outer walls thereof, in such location and numbers, and of such material and construction as will insure safe and convenient exit for all occupants of any such building in case of fire, and all passageways leading to such fire escapes shall at all times be kept open and free from obstruction, and any person in any manner obstructing the same, or causing the same to be obstructed, shall be fined not less than twenty-five dollars nor more than one hundred dollars for the first offense, and for any subsequent offense he shall be fined not less than one hundred dollars nor more than two hundred dollars, and be imprisoned in the workhouse for a period of not less than ten nor more than sixty days.

Obstructing passageways.

Vaults in woodworking establishments.

SEC. 2575–132. No building within the limits of any city of the first grade of the first class shall be used or occupied in whole or in part as a planing mill, sash, door and blind manufactory, wagon or carriage

manufactory, cabinet or furniture manufactory, wood-turning or veneering works, agricultural implement manufactory, box or shingle manufactory, or any other woodworking manufactory, two or more stories in height, unless such building so occupied shall have in connection with it a brick or fireproof vault of sufficient capacity to contain all shavings, sawdust, chips or other light combustible refuse connected therewith; and all such shavings, sawdust, chips and other light combustible refuse shall be removed daily from such premises to such vault.

Permit required.

SEC. 2575–133. No person shall hereafter, either as owner, lessee, or agent, use or occupy, or permit the occupation and use above the second story of any store, factory, workshop or other structure where any person or persons shall be employed as workmen or workwomen, for wages, in any trade or occupation, * * * without first having obtained a permit in writing from the officer hereinafter designated, under the penalty of not less than $25 for each and every offense, and a further penalty of $50 for each and every day such owner, lessee or agent shall, after the first conviction, neglect or refuse to comply with any of the provisions of this section.

Inspection, etc., of steam boilers—Cleveland.

Inspector.

SECTION 2596–1. The director of fire service in any city of the second grade of the first class is authorized to appoint, subject to the confirmation of the common council of such city, one person who shall be known as inspector of boilers, who shall hold such office for the term of two years from and after the date of his appointment, subject to the provisions and stipulations of this act hereinafter set forth and until his successor is duly appointed and qualified; but may be removed by said director of fire service for malfeasance, misfeasance or nonfeasance in office.

Duties.

SEC. 2596–4. It shall be the duty of said inspector and his assistants to inspect all stationary boilers in said city, giving to each both internal and external examination, when practicable, at least once a year; and he shall charge and receive for the same, an amount, in each case, to be fixed by ordinance by said council; which amount shall be collected by said inspector and his assistants from the persons owning and operating said boilers before granting to them the certificate hereinafter provided for, which said amounts shall be paid into the treasury of said city at stated intervals, to be provided by ordinance by said council.

Certificate.

SEC. 2596–5. If upon such examination, said inspector shall find a boiler worthy and in good working order, and that the laws and ordinances of said city, in respect thereto, have been complied with, he shall grant to the owner or operator of said boiler, a certificate; and he shall thereupon, use and operate the same. * * *

Defective boilers.

SEC. 2596–6. If, upon said inspection, any boiler is found to be defective and unfit for use, said inspector shall refuse to grant his certificate for the use and operation of the same, until it shall be put in proper order, to his satisfaction; and any person guilty of operating any boiler so condemned without the certificate or consent of said inspector, shall be deemed guilty of a misdemeanor, and fined in any sum not to exceed $500.00, or imprisoned for a period not to exceed six months, or both, as aforesaid.

What boilers exempt.

SEC. 2596–8. *Provided,* That any owner or operator of a steam boiler or boilers holding a certificate of inspection in force, of any company organized for the purpose of making guaranteed steam boiler inspections, which has filed a statement of its financial condition and paid license fees and taxes as required by the insurance laws of this State, shall be exempt from any further inspection.

Factories and workshops—Hand rails, etc.

Hand rails to be provided.

SECTION 4238–15. All stairs or stairways for ingress or egress to and from all tenement houses, apartments, manufactories, mills, shops, stores, * * * shall be provided by the owners thereof, or the directors, trustees, lessees, managers, controllers or proprietors of any of said buildings wherein said stairs or stairways are erected and used

for the purposes aforesaid, with a good, substantial hand rail extending from the top to the bottom of said stairs or stairway, and the same shall be firmly fastened by said owners, directors, trustees, lessees, managers, controllers or proprietors to the wall or other support or partition at the side of such stairs or stairway most convenient for use, and such hand rail shall be constructed or made of wood not less than one and one-half inches wide and two and one-half inches thick; or iron not less than one and a half inches in diameter and shall be put up and maintained along all the said stairs and in all the said stairways in the said buildings now erected and in use or which may hereafter be used for any of the purposes aforesaid, and in all such buildings hereafter constructed to be used for the purposes aforesaid.

Penalty.

SEC. 4238–16. Any person or persons owning or having charge of such stairs or stairways, as directors, trustees, lessees, managers or proprietors of any of said buildings wherein said stairs are erected and used for the purposes aforesaid, and neglecting or refusing to provide said hand railings, and put up and keep up the same in manner aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction shall be fined in any sum not less than ten nor more than one hundred dollars, and shall be liable to any person injured for the want of such railing or railings for all injury to such person or damages resulting therefrom.

Enforcement.

And it shall be the duty of the chief inspector of workshops and factories, or district inspectors, to enforce the provisions of this act.

Regulation and inspection of bakeries.

Sanitation.

SECTION 4364–71. All buildings or rooms occupied as biscuit, bread or cake bakeries shall be drained and plumbed in a manner to conduce to the proper healthful and sanitary condition thereof, and constructed with air shafts, windows or ventilating pipes, sufficient to insure ventilation, such as the chief or district inspector shall direct; and no cellar or basement not now used as a bakery, shall be hereafter used and occupied as a bakery, and a cellar heretofore occupied shall, when once closed, not be reopened, unless the proprietor shall have previously complied with the provisions of this act.

Wash rooms, etc.

SEC. 4364–72. Every such bakery shall be provided with a proper wash room and water-closet or closets, apart from the bake room or rooms where the manufacturing of such food products is conducted; and no water-closet, earth closet, privy or ash pit shall be within or communicate directly with a bake shop, or any bakery for a hotel or public restaurant.

Construction of rooms.

SEC. 4364–73. Every room used for the manufacture of flour and meal food shall be at least eight feet in height; the side walls of such rooms shall be plastered or wainscoted, ceiling plastered or ceiled with lumber or metal, and if required by the inspector, shall be whitewashed at least once in three months, [.]

And the furniture and utensils of such rooms shall be so arranged as to be easily moved, that the furniture and floor may at all times be kept in proper healthful sanitary condition.

Sleeping places.

SEC. 4364–75. The sleeping places for persons employed in a bakery shall be kept separate from the room or rooms where flour or meal food products are manufactured or stored, and the chief inspector or district inspector may inspect such sleeping places, if they are on the same premises as the bakery, and order them cleaned or changed in compliance with sanitary principles.

Certificate.

SEC. 4364–76. After the inspection of a bakery has been made and it is found to conform to this act, the chief inspector may issue a certificate to the owner or operator of such bakery, that it is conducted in compliance with all the provisions of this act; but where orders are issued by the inspector to improve the condition of a bakery no such certificate shall be issued until such order and the provisions of this act shall have been complied with.

Additional inspectors.

SEC. 4364–77. For the purpose of enforcing this act, the chief inspector of workshops and factories shall appoint two additional district inspectors who shall be appointed in the same manner and possess the

same qualifications, and whose term of office shall be the same, and on the same conditions and clothed with the same powers, and receive the same compensation as the district inspector authorized by section 2573a including sections two and three, section 2573a–2, 2573b and 2573c, Revised Statutes.

Compliance with notice.

SEC. 4364–78. The owner, agent or lessee of any property affected by the provisions of this act, shall within thirty days after the service of a notice requiring any alterations to be made in or upon such premises, comply therewith, [.]

And such notice shall be in writing and may be served upon such owner, agent or lessee either personally or by mail, and a notice mailed to the last known address of such owner, agent or lessee, shall be deemed sufficient for the purpose of this act.

Penalties.

SEC. 4364–79. Any person who violates the provisions of this act, or refuses to comply with any requirement of the chief or district inspector, as provided herein, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than twenty or more than fifty dollars for the first offense, and not less than fifty nor more than one hundred dollars for the second offense, or imprisonment for not more than ten days, and for the third offense by a fine of not less than two hundred dollars and not more than thirty days' imprisonment.

Factories and workshops—Inspection, etc.

Manufactures in tenements.

SECTION 4364–80. No dwelling or building, or any room or apartment of itself, in, or connected with any tenement or dwelling or other building, shall be used except by the immediate members of the family living therein for carrying on any process of making any kind of wearing apparel, or goods for male or female wear, use, or adornment, or for the manufacture of cigars, cigarettes, or tobacco goods in any form, when such wearing apparel or other goods are to be exposed for sale, or to be sold by manufacturer, wholesaler or jobber, to the trade or by retail, unless such room or apartment shall have been made to conform to the requirements and regulations provided for in this act.

Construction, etc., of workrooms.

SEC. 4364–81. Each such room or apartment used for the purposes aforesaid, shall be regarded as a workshop or factory, and shall be separate from and have no door, window or other opening into any living or sleeping room of any tenement or dwelling, and no such workshop or factory shall be used at any time for living or sleeping purposes, and shall contain no bed, bedding, cooking or other utensils, excepting what is required to carry on the work therein; and every such shop or factory shall have an entrance from the outside direct, and if above the first floor shall have a separate and distinct stairway leading thereto, and every such workshop or factory shall be well and sufficiently lighted, heated and ventilated by ordinary, or, if necessary, by mechanical appliance, and shall provide for each person employed therein,

Air space.

no less than 250 cubic feet of air space in day time, and 400 cubic feet

Water-closets.

at night, and shall have suitable closet arrangements for each sex employed therein, as follows: Where there are ten or more persons, and three or more to the number of twenty, are of either sex, a separate and distinct water-closet, either inside the building, with adequate plumbing connections, or on the outside at least twenty feet from the building, shall be provided for each sex; when the number employed is more than twenty-five of either sex, there shall be provided an additional water-closet for such sex up to the number of fifty persons, and above that number in the same ratio, and all such closets shall be kept strictly and exclusively for the use of the employees and employer

Proviso.

or employers of such workshop or factory: *Provided*, That where more than one room is used under the direction of one employer, all such rooms are to be regarded as one shop, or factory, and every such work-

Sanitation.

shop or factory shall be kept in a clean and wholesome condition, all stairways and the premises within a radius of thirty feet shall be kept clean, and closets shall be regularly disinfected and supplied with disinfectants, and the inspector of factories or his assistants may require all necessary changes, or any process of cleaning, painting or white-

washing which he may deem essential to assure absolute freedom from obnoxious odor, filth, vermin, decaying matter or any condition liable to impair health or breed infectious or contagious diseases; he shall prevent the operation of such shops and factories that do not conform to the provisions of this act [secs. 4364–80 to 4364–85], and cause the arrest and prosecution of the person or persons operating the same.

Condemned shops not to be patronized.

SEC. 4364–82. No person, for himself or for any other person, firm or corporation, shall give out work to or contract with any other person to perform such work necessary to make such goods mentioned in section one, [sec. 4364–80] after having received notice from the inspector of factories or his assistants, that said latter person has not complied with the provisions of section two [sec. 4364–81] of this act which notice shall remain in force, until said person has complied with this law, of which notice must be given to the employer by the inspector of factories or his assistants.

Register.

SEC. 4364–83. Every such person, firm or corporation heretofore mentioned shall obtain and keep a record of all persons to whom work is given out or contracted for, including their names and addresses, which record shall be opened to inspection of the State inspector of workshops and factories, when called for.

Goods not to be dealt in, when.

SEC. 4364–84. No person or corporation shall receive, handle, or convey to others, or sell, hold in stock or expose for sale any goods mentioned in section one, [sec. 4364–80] unless made under the sanitary conditions provided for and prescribed in this act [secs. 4364–80 to 4364–85]; but this act shall not include the making of garments or other goods by any person for another by personal order, and when received for wear or use direct from the maker's hands, and all violations of the provisions of this act shall be prosecuted by the inspector with the advice and consent of the chief inspector of workshops and factories.

Act construed.

Penalty.

SEC. 4364–85. Any person, firm or corporation who shall violate any of the provisions of this act [secs. 4364–80 to 4364–85] shall, upon conviction thereof, be fined in any sum not less than fifty dollars nor more than one hundred dollars for each offense, or imprisoned not less than thirty nor more than sixty days or both, at the option of the court, such fine to be collected by the court in which conviction is had and turned over to the chief inspector of workshops and factories, and by him to be paid into the State treasury to be credited to the general revenue fund; and in all prosecutions brought by or under the direction of the inspector of workshops and factories for the violation of this act [secs. 4364–80 to 4364–85], he shall not be held to give security for costs, or adjudged to pay any costs, but in all cases where the accused be acquitted or is found to be indigent, the costs shall be paid out of the county treasury of the county in which proceedings are brought, the same as the costs in all other cases of misdemeanor.

Blowers for emery wheels, etc.

SEC. 4364–86. All persons, companies or corporations operating any factory or workshop, where emery wheels or emery belts of any description are used, either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or corundum, or cotton wheels used as buffs, shall provide the same with blowers, or similar apparatus, which shall be placed over, beside or under such wheels or belts in such a manner as to protect the person of persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building, or to some receptacle place, so as to receive and confine such dust: *Provided*, That grinding machines upon which water is used at the point of the grinding contact and small emery wheels that are used temporarily for tool grinding and small shops employing not more than one man at such work and do not create dust enough in the opinion of the inspector to be injurious to the operator, shall be exempt from the provisions of this act [secs. 4364–86 to 4364–89b].

Proviso.

Form of apparatus.

SEC. 4364–87. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things neces-

sary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet or cast iron hood or hopper of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheel, or will be thrown into such hood or hopper by centrifugal force and be carried off by the current of air into a suction pipe attached to same hood or hopper.

Suction pipes. SEC. 4364–88. Each and every such wheel, six inches or less in diameter, shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter with four-inch suction pipe; wheels from twenty-four inches to thirty-six inches in diameter with five-inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe not less than six inches in diameter. The suction pipe from each wheel, so specified, must be full size to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan, connected with such suction pipe or pipes, shall be as large, or larger, than the suction pipe.

Fans. SEC. 4364–89. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide the necessary fans or blowers to be connected with such pipe or pipes, as set forth in this act [secs. 4364–86 to 4364–89b], which shall be run at a rate of speed such as will produce a velocity of air in such suction or discharge pipes of at least nine thousand feet per minute to an equivalent suction or pressure of air equal to raising a column of water not less than five inches in a U-shaped tube. All branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less; the main suction or trunk pipe shall be below the emery or buffing wheels, and as close to the same as possible, and to be either upon the floor or beneath the floor on which the machines are placed to which such wheels are attached. All bends, turns or elbows in such pipes must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

Inspection. SEC. 4364–89a. It shall be the duty of the chief inspector of workshops and factories to cause his district inspectors to inspect such workshops and factories in this State having and using such machinery as is named in this act [secs. 4364–86 to 4364–89b], as often as he may deem advisable, and the district inspector shall have entry to such workshops and factories at all times when directed to make such inspection, and shall report to the chief inspector such violations as he may find, [.]

And the chief inspector shall notify the person or persons, company or corporation operating such workshop or factory to comply with the provisions of this act within thirty days after date of issuing order, which notification shall be in writing and may be served by the district inspector or mailed to the last known address of such person, persons, company or corporation, which service shall be deemed sufficient notice for the purpose of this act [secs. 4364–86 to 4364–89b].

Penalty. SEC. 4364–89b. Any person, or persons, company or corporation, or agent having charge of or the management of such workshop or factory, failing to comply with the provisions of this act [secs. 4364–86 to 4364–89b], and with such orders for changes as may be issued by the chief inspector, within thirty days after the same has been issued, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be fined not less than fifty dollars nor more than one hundred dollars for each offense or imprisonment in the county jail not less than thirty days, or both such fine and imprisonment, in the discretion of the court.

Guards, etc., for machinery. SEC. 4364–89c. The owners and operators of factories and workshops, which terms shall mean all manufacturing, mechanical, electrical and mercantile establishments, and all places where machinery of any kind is used or operated, shall take ordinary care, and make such suitable provisions as to prevent injury to persons who may come in contact with any such machinery, or any part thereof; and such ordinary care and such suitable provisions shall include the casing or boxing of all shaft-

ing when operating horizontally near floors, or when in perpendicular or other position operating between, from, or through floors, or traversing near floors, or when operating near passageway, or directly over the heads of employees; the inclosure of all exposed cogwheels, fly wheels, band wheels, all main belts transmitting power from engine to dynamo, or other kind of machinery, and all openings through floors, through, or in which such wheels or belts may operate, with substantial railing; the covering, cutting off, or countersinking of keys, bolts, set screws, and all parts of wheels, shafting, or other revolving machinery, projecting unevenly from and beyond the surfaces of such revolving parts of such machinery; the railing in all unused elevator openings, the placing of automatic gates or floor doors, and the keeping of same in good condition, on each floor from which and where on each side, or sides, of elevator openings, entrance to the elevator carriage is obtained, the frequent examination and keeping in sound condition of ropes, gearing, and other parts of elevators, the closing of stair openings on all floors, except where access to stairs is obtained, and the railing of stairs between floors, the lighting of hallways, rooms, approaches to rooms, basements and other places wherein sufficient daylight is not obtainable; the guarding of all saws and other woodcutting and wood-shaping machinery, providing shifters for shifting belts, and poles and other appliances for removing and replacing belts on single pulleys, and adjusting runways, and staging used for oiling and other purposes, more than five feet from floors with hand railing, and providing countershafting with tight and loose pulleys or such other suitable appliances, in each room, separate from the engine room, for disconnecting machinery from other machinery when in operation.

Penalty.

SEC. 4364–89d. Any owner or operator of a factory or workshop, as defined in section one of this act [sec. 4364–89c], who violates any of the provisions of said section, shall be fined for the first offense not exceeding one hundred dollars, and for every subsequent offense not less than fifty dollars nor more than five hundred dollars.

Dangerous machinery to be marked.

SEC. 4364–89e. The chief inspector or any district inspector of workshops and factories, who shall obtain knowledge of violation of the provisions of section one of this act [sec. 4364–89c], is hereby authorized whenever he may deem it advisable to paste upon any machine, device, elevator, utensil, structure or machinery, or part of machinery of any kind, a notice stating that such machine, device, elevator, structure or machinery, or part of machinery of any kind, is dangerous to use or operate, and that operatives or employees are liable to injury by its use or operation, and such notice shall designate and describe the alteration or other change necessary to be made in order to insure safety of operation, the date of inspection and the time allowed for such alteration or change to be made, and no such machine, device, elevator, utensil, structure or machinery of any kind, shall be used or operated after such notice is posted thereon, until such change or alteration is made to the satisfaction of the inspector having made such recommendation.

Penalty.

SEC. 4364–89f. Any such owner or operator of a factory or workshop who violates any of the provisions of section 3 of this act [sec. 4364–89e] shall be fined for the first offense not less than twenty-five nor more than one hundred dollars, and for every subsequent offense, not less than fifty nor more than five hundred dollars.

Enforcement.

SEC. 4364–89g. It shall be the duty of the chief inspector and any district inspector of workshops and factories to prosecute all violations of the provisions of this act [secs. 4364–89c to 4364–89f].

Low-water alarms for steam boilers.

SEC. 4364–89h (as amended by act, page 311, Acts of 1902). All stationary steam boilers operated or used, or caused to be operated or used, by any person, firm or corporation, within the State of Ohio, shall have upon them a low-pressure safety alarm column, which shall sound an alarm for the purpose of calling the attention of the engineer, fireman or person in charge of such boiler to the depth of water in the boiler before the same reaches the danger point. The said low-water safety alarm column shall be a type capable of being tested easily by the chief examiner of steam engineers, or any of his district examiners, and shall be so connected with the boiler that the low-water alarm will be sounded when there is not less than two inches

of water over the highest point of the tubes or crown sheets. The chief examiner of steam engineers, or any of his district examiners, shall be authorized to enter upon the premises of any person, firm or corporation within this State for the purpose of inspecting any stationary steam boiler to ascertain as to whether it is equipped as herein provided.

Operating boiler without alarm.

SEC. 4364–89i (as amended by act, page 311, Acts of 1902). It shall be unlawful for any person, firm or corporation to operate any stationary steam boiler unless it is equipped with a low-water alarm column after the date * * * [of this act].

Penalty.

SEC. 4364–89j (as amended by act, page 311, Acts of 1902). Any person, the member of any firm, or the member of any board of directors of any corporation who shall violate any of the provisions of this act [secs. 4364–89h to 4364–89j], or shall refuse or neglect to comply with any of its provisions, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than twenty-five (25) dollars nor more than fifty (50) dollars and costs, or by imprisonment in the county jail of the county where conviction was had for a period of not less than thirty (30) days nor more than ninety (90) days, or both, such fine and imprisonment at the discretion of the court for each and every offense.

OREGON.

ACTS OF 1903.

Bureau of labor statistics, etc.

(Page 205.)

Bureau established.

SECTION 1. There is hereby established a separate and distinct department in this State, to be known as the "Bureau of Labor Statistics and Inspector of Factories and Workshops," to be in charge and under control of a commissioner of the bureau of labor statistics, which office is hereby created.

Commissioner.

SEC. 2 (as amended by chapter 36, Acts of 1905). The governor, secretary of state, and State treasurer shall, on or before the first day of June, 1903, appoint a citizen of the State of Oregon, who has been a resident of the State continuously for five years, as such commissioner to fill said office, and such commissioner shall hold office until the second Monday in January, 1907, and until his successor shall be elected and qualified.

Office elective.

SEC. 3. At the general election in the year 1906, there shall be elected, as other State officers are elected, a citizen of the State of Oregon, who has been a resident of the State over five years, to fill the office of commissioner of labor statistics and inspector of factories and workshops, whose term of office shall be four years, and until his successor shall be elected and qualified. At the general election every fourth year thereafter, there shall be elected a commissioner of labor statistics and inspector of workshops and factories, whose term of office shall be four years, and until his successor is elected and has qualified.

Duties.

SEC. 4. It shall be the duty of such officer to cause to be enforced all the laws regulating the employment of children, minors, and women; all laws established for the protection of the health, lives, and limbs of operatives in workshops, factories, mills, and other places, and all laws enacted for the protection of the working classes; laws which declare it to be a misdemeanor on the part of the employees [employers] to require as a condition of employment the surrender of any rights of citizenship; laws regulating and prescribing the qualifications of persons in trade and handcrafts, and similar laws now in force or hereafter to be enacted. It shall also be the duty of the officers to collect, assort, arrange, and present, in biennial reports to the legislature, on or before the first Monday in January, statistical details relating to all the departments of labor in the State; to the subject of corporations, strikes, or other labor difficulties; to trade unions and other labor organizations, and their effect upon labor or capital; the number and condition of

Reports.

the Japanese and Chinese in the State, their social and sanitary habits; number of married, and of single; the number employed, and the nature of their employment; the average wages per day at each employment, and the gross amount yearly; the amount expended by them in rent, food, and clothing, and in what proportion such amounts are expended for foreign and home productions, respectively; to what extent their employment comes in competition with the white industrial classes of the State; and to such other matters relating to the commercial, industrial, social, educational, moral, and sanitary conditions of the laboring classes, and the permanent prosperity of the respective industries of the State as the bureau may be able to gather. In its biennial report the bureau shall also give account of all the proceedings of its officers which have been taken in accordance with the provisions of this act, herein referred to, including a statement of all violations of law which have been observed, and the proceedings under the same, and shall join with such amounts [accounts] and such remarks, suggestions and recommendations as the commissioner may deem necessary.

Reports from factories, etc.

SEC. 5. It shall be the duty of every owner, operator, or manager of every factory, workshop, mill, or other establishment, excepting mines, where labor is employed, to make to the bureau, upon blanks furnished by said bureau, such reports and returns as the said bureau may require, for the purpose of compiling such labor statistics as are authorized by this act, and the owner or business manager shall make such reports and returns within the time prescribed therefor by said commissioner, and shall certify to the correctness of the same. In the report of said bureau no use shall be made of the names of individuals, firms, or corporations supplying the information called for by this section; such information shall be deemed confidential, and not for the purpose of disclosing personal affairs. Any officer, agent, or employee of said bureau violating this provision shall be guilty of a misdemeanor, and shall be fined in a sum not exceeding $500, or be imprisoned for not more than one year in the county jail.

Powers of commissioner.

SEC. 6. Said commissioner shall have the power to issue subpœnas, administer oaths, and take testimony in all matters relating to the duties herein required by such bureau, and such testimony to be taken in some suitable place in the vicinity to which testimony is applicable. Witnesses subpœnaed and testifying before any officer of the said bureau shall be paid the same fees as witnesses before a circuit court, such payment to be made from the fund appropriated for the use of the bureau, and in the manner provided in section 10 of this act for the payment of other expenses of the bureau. Any person duly subpœnaed under the provisions of this section, who shall willfully neglect or refuse to attend, or testify, at the time and place named in the subpœna, shall be guilty of a misdemeanor, and, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than $25 or more than $100, or by imprisonment in the county jail not exceeding thirty days.

Same subject.

Inspection.

SEC. 7. Said commissioner of the bureau of labor shall have power to enter any factory, mill, office, workshop, or public or private works, at any reasonable time, for the purpose of gathering facts and statistics, such as are contemplated by this act; and to examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings and places, and make a record thereof; and any owner or occupant of said factory, mill, office, or workshop, or public or private works, or his agent, or agents, who shall refuse to allow an inspector or employee of said bureau to enter shall be guilty of a misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine of not less than $25 nor more than $100, or be imprisoned in the county jail not to exceed ninety days for each and every offense.

Schedules, etc., to be destroyed.

SEC. 8. At the expiration of two years all records, schedules, and papers accumulating in said bureau that may be considered of no value by the commissioner may be destroyed: *Provided*, The authority of the governor be first obtained for such destruction.

Publication of reports.

SEC. 9. The biennial reports of said commissioner, provided for in section 4 of this act, shall be printed in the same manner, and under the same regulations, as the reports of the executive officers of the

State: *Provided*, That no less than four hundred and eighty copies of the report shall be distributed as the judgment of the commissioner may deem best. The blanks and stationery required by the bureau of labor statistics, in accordance with the provisions of this act, shall be furnished by the secretary of state and shall be paid for from the printing fund of the State.

Salary. SEC. 10 (as amended by chapter 111, Acts of 1907). The commissioner of the bureau of labor statistics and inspector of workshops and factories shall receive an annual salary of $2,000, payable quarterly, and is authorized to incur such expense and employ such clerical aid as may be necessary to carry out the provisions of this act. The secretary of state is hereby authorized to draw warrants on the State treasurer for the payment of such expense upon properly verified vouchers approved by the commissioner: *Provided, however*, That said expense shall not exceed at any time the amount appropriated therefor.

Bond. Said commissioner shall, before entering upon the duties of his office, execute a bond to the State of Oregon in the sum of $3,000, conditioned upon the faithful, honest and impartial performance of his duties under this act, which bond shall be approved by the secretary of state and filed in his office. Such commissioner shall include in his biennial report to the governor and legislature an itemized statement of the expense of the bureau incurred by him.

ACTS OF 1907.

CHAPTER 158.—*Inspection of factories and workshops.*

Belt shifters, guards, etc. SECTION 1. Any person, firm, corporation or association operating a factory, mill or workshop where machinery is used, shall provide and maintain in use belt shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys while running, where the same are practicable with due regard to the nature and purpose of said belts and the dangers to employees therefrom; also reasonable safeguards for all vats, pans, trimmers, cut-off, gang edger, and other saws, planers, cogs, gearings, belting, shafting, coupling, set screw, live rollers, conveyors, mangles in laundries, and machinery of other or similar descriptions, which it is practicable to guard, and which can be effectively guarded with due regard to the ordinary use of such machinery and appliances, and the dangers to employees therefrom, and with which the employees of any such factory, mill or workshop are liable to come in contact while in the performance of their duties; and if any machine, or any part thereof, is in a defective condition and its operation would be extra hazardous because of such defect, or if any machine is not safeguarded as provided in this act, the use thereof is prohibited, and a notice to that effect shall be attached thereto by the employer immediately on receiving notice of such defect or lack of safeguard, and such notice shall not be removed until said defect has been remedied or the machine safeguarded as herein provided.

Ventilation. SEC. 2. Every factory, mill or workshop where machinery is used and manual labor is exercised by the way of trade for the purposes of gain within an inclosed room (private houses in which the employees live, excepted) shall be provided in each workroom thereof with good and sufficient ventilation and kept in a cleanly and sanitary state, and shall be so ventilated as to render harmless, so far as practicable, all gases, vapors, dust, or other impurities, generated in the course of the manufacturing or laboring process carried on therein; and if in any factory, mill or workshop any process is carried on in any inclosed room thereof, by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyers, receptacles or exhaust fans, or other mechanical means, shall be provided and maintained for the purpose of carrying off or receiving and collecting such dust.

Hoistways, etc. SEC. 3. The openings of all hoistways, hatchways, elevators, and wellholes and stairways in factories, mills, workshops, storehouses, warerooms, or stores, shall be protected, where practicable, by good

and sufficient trapdoors, hatches, fences, gates or other safeguards, and all due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open that the same may be used.

Annual inspections.

SEC. 4. It shall be the duty of the labor commissioner, by himself or his duly appointed deputy, to examine as soon as may be after the passage of this act, and thereafter annually and from time to time, all factories, mills, workshops, storehouses, warerooms, stores, and buildings and the machinery and appliances therein contained to which the provisions of this act are applicable for the purpose of determining whether they do conform to such provisions, and of granting or refusing certificates of approval, as hereinafter provided.

Requests for inspection.

SEC. 5. Any person, firm, corporation, or association carrying on business to which the provisions of this act are applicable, shall have the right to make written request to said labor commissioner to inspect any factory, mill, or workshop, and the machinery therein used, and any storehouse, wareroom or store, which said applicant is operating, occupying or using, and to issue his certificate of approval thereof; and said labor commissioner, by himself or his deputy, shall forthwith make said inspection. Upon receiving such application the labor commissioner shall issue to the person making the same an acknowledgment that such certificate has been applied for, and thirty days after such acknowledgment by said labor commissioner, and pending the granting of such certificate, such acknowledgment shall have the same effect as such certificate, till the granting of such certificate by said labor commissioner.

Duty of employees.

SEC. 6. Any employee of any person, firm, corporation or association shall notify his employer of any defect in or failure to guard the machinery, appliances, ways, works, and plants, with which or in or about which he is working, when any such defect or failure to guard shall come to the knowledge of any said employee, and if said employer shall fail to remedy such defects then said employee may complain in writing to the labor commissioner of any such alleged defects in or failure to guard the machinery, appliances, ways, works, and plants, or any alleged violation by such person, firm, corporation or association, of any of the provisions of this act, in the machinery and appliances and premises used by such person, firm, corporation or association, and with or about which such employee is working, and upon receiving such complaint, it shall be the duty of the labor commissioner, by himself, or his deputy, to forthwith make an inspection of the machinery and appliances complained of.

Certificates.

SEC. 7. Whenever upon any examination or reexamination of any factory, mill or workshop, store or building, or the machinery or appliances therein to which the provisions of this act are applicable, the property so examined and the machinery and appliances therein conform in the judgment of said labor commissioner to the requirements of this act, he shall thereupon issue to the owner, lessee, or operator of such factory, mill or workshop, or to the owner, lessee or occupant of any such storehouse, wareroom or store, a certificate to that effect, and such certificate shall be prima facie evidence as long as it continues in force of compliance on the part of the person, firm, corporation or association to whom it is issued, with the provisions of this act. Such certificates may be revoked by said labor commissioner at any time upon written notice to the person, firm, corporation, or association holding the same, whenever in his opinion, after reexamination, conditions and circumstances have so changed as to justify the revocation thereof. A copy of said certificate shall be kept posted in a conspicuous place on every floor of all factories, mills, workshops, storehouses, warerooms or store to which the provisions of this act are applicable.

Orders.

If, in the judgment of said labor commissioner, such factory, mill or workshop, or the machinery and appliances therein contained, or such storehouse, wareroom or store does not conform to the requirements of this act, he shall forthwith, personally or by mail, serve on the person, firm, corporation or association operating or using such machinery or appliances, or occupying such premises, a written statement of the requirements of said labor commissioner, before he will issue a certificate as hereinbefore provided for; and upon said requirements being complied with, within a period of

thirty days after said requirements have been served as aforesaid, the said labor commissioner shall forthwith issue such certificate; but if the person, firm, or corporation operating or using said machinery and appliances, or occupying such premises, shall consider the requirements of said labor commissioner unreasonable and impracticable or unnecessarily expensive, he may, within ten days after the requirements of said labor commissioner have been served upon him, appeal therefrom or from any part thereof, to three arbitrators, to whom shall be submitted the matters and things in dispute, and their findings shall be binding upon said applicant and upon the labor commissioner. Such appeal shall be in writing, addressed to the labor commissioner, and shall set forth the objection to his requirements, or any part thereof, and shall mention the name of one person who will serve as the representative of said applicant calling for arbitration. Immediately upon receipt of such notice of appeal, it shall be the duty of the labor commissioner to appoint a competent person as arbitrator, resident in the county from which such appeal comes, and to notify such person so selected and also the party appealing, stating the cause for arbitration, and the place, date and time of meeting. These two arbitrators shall select a third, and as soon thereafter as practicable, give a hearing on the matter of said appeal, and the findings of these arbitrators, by a majority vote, shall be reported to the labor commissioner, and to the applicant, and shall be binding upon each. The expense of such arbitration shall be borne by the party calling for the arbitration; and if said arbitrators sustain the requirements of said labor commissioner or any part thereof, said applicant shall, wthin thirty days, comply with the findings of said arbitrators, and thereupon said labor commissioner shall issue his certificate as herinbefore provided (in section 4 of this act); but if said arbitrators shall sustain such appeal or any part thereof, the same shall be binding upon said labor commissioner; and any such person, firm, corporation or association shall, within thirty days after the findings of the board of arbitrators, comply with the requirements of the labor commissioner, as amended by said arbitrators, if so amended as herein provided for, and thereupon said labor commissioner shall forthwith issue to any such person, firm, corporation or association his certificate as provided for in section 4 of this act: *Provided, however,* That before any certificate shall be issued by said labor commissioner as provided in this act, the person, firm, corporation or association which has complied with the provisions of this act shall pay to the treasurer of the State of Oregon an annual fee of $10 for each place of business operated by him, and which may be inspected under the provisions of this act, and take his receipt therefor. The payment of the said annual fee of $10 is hereby required and made obligatory: *Provided,* That any person, firm, corporation or association, employing not to exceed five persons, shall pay the fee of $5. The State treasurer shall issue his receipt for all moneys so received. Upon presentation of said receipt to said labor commissioner, he shall forthwith issue said certificate as in this act provided. Said fee shall entitle the person, firm, corporation or association, paying the same, to any and every inspection of any factory, mill, workshop, storehouse, wareroom, or store, and the machinery and appliances contained in any such premises, owned or operated by the party paying said fee, that may be necessary, for a period of one year subsequent to its payment, and all moneys collected for licenses and fines, under the provisions of this act, shall be paid into the State treasury, and be converted into a special factory inspection fund, from which special fund shall be paid the deputy labor commissioners required to enforce the provisions of this act, and also to pay one clerk, which the labor commissioner is hereby authorized to employ, if he deems it necessary, and said special fund is hereby appropriated for such payment. Each of said deputy labor commissioners shall be paid $4 per day and actual traveling expenses for the time during which he is actually employed under the terms hereof from the special factory inspection fund, upon the presentation of vouchers properly signed by the labor commissioner, in the same manner in which other employees of the State are paid.

Appeals.

Fees.

SEC. 8. Any person, firm, corporation or association who violates or omits to comply with any of the foregoing requirements or provisions of this act, and such violation or omission shall be the approximate cause of any injury to any employee, shall be liable in damages to any employee who sustains injuries by reason thereof: *Provided*, The amount of damages which any one person may recover in an action for or [on] account of injuries received by reason of any alleged violation of any of the provisions of this act, is hereby expressly limited to the sum of $7,500. Violations. Liability.

SEC. 9. No action for the recovery of compensation for injury under this act shall be maintained unless notice of the time, place and cause of injury is given to the employer within six months, and the action is commenced within one year from the occurrence of the accident causing the injury. The notice required by this section shall be in writing, signed by the person injured, or by some one in his behalf; but if from mental or physical incapacity it is impossible for the person injured to give the notice within the time provided in this section, he may give the same within ninety days after such incapacity is removed; and in case of his death without having given the notice because of mental or physical incapacity, his executor or administrator may give such notice within thirty days after his appointment. Action.

SEC. 10. Any person, firm, corporation or association who violates or fails to comply with any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than $25 nor more than $100. Penalty.

SEC. 11. A copy of this act, together with the name and address of the labor commissioner, printed in a legible manner, shall be kept posted in a conspicuous place on each floor of every factory, mill, workshop, storehouse, wareroom or store, and at the office of every public and private work to which the provisions of this act are applicable. The labor commissioners shall supply such operators, owners, lessees or occupants with a sufficient number of said copies to enable such persons to comply with this section. Law to be posted.

SEC. 12. Wherever in this act the term labor commissioner or commissioner of labor is used, it shall be understood to mean the commissioner of labor statistics and inspector of factories and workshops. Definition.

PENNSYLVANIA.

BRIGHTLY'S PURDON'S DIGEST—1895.

Factories and workshops—Inspection, etc.

(Page 865.)

SECTION 14. The governor shall, immediately after the passage of this act, appoint, with the advice and consent of the senate, a factory inspector, at a salary of three thousand dollars per year, whose term of office shall be three years, at the expiration of which the governor shall appoint his successor. The said inspector shall be empowered to visit and inspect at all reasonable hours and as often as practicable, the factories, workshops and other establishments in the State employing women and children. It shall also be the duties of said inspector to enforce the provisions of this act and to prosecute all violations of the same before any magistrate or any court of competent jurisdiction in the State. It shall be the duty of the factory inspector to report to the governor, on or before the thirtieth day of November of each year, the names of factories inspected, the number of hands employed in each, the maximum number of hours' work performed each week. Of these reports five thousand shall be published, five hundred of which shall be furnished to the governor, two thousand to the house of representatives, one thousand to the senate, and fifteen hundred to the factory inspector's department. Inspector. Duties. Reports.

SEC. 15. All necessary expenses incurred by said inspector in the discharge of his duty shall be paid from the funds of the State, upon the presentation of proper vouchers for the same: *Provided*, That not more than four thousand dollars shall be expended by him therefor in any one year. Expenses.

Hoisting shafts, etc.

SEC. 16. It shall be the duty of the owner, agent or lessee of any such factory, manufacturing or mercantile establishment, where hoisting shafts or wellholes are used, to cause the same to be properly and substantially inclosed or secured, if, in the opinion of the inspector, it is necessary to protect the life or limbs of those employed in such establishments. It shall be the duty of the owners, agent or lessee, to provide, or cause to be provided, such proper trap or automatic doors so fastened in or at all elevator ways as to form a substantial surface when closed, and so constructed as to open and close by action of the elevator in its passage either ascending or descending.

Belt shifters, etc.

SEC. 17. It shall also be the duty of the owner of such factory, mercantile industry or manufacturing establishment, or his agent, superintendent or other person in charge of the same, to furnish and supply, or cause to be furnished and supplied, in the discretion of the inspector, where dangerous machinery is in use, automatic shifters, or other mechanical contrivances, for the purpose of throwing on or off belts or pulleys. And no minor under sixteen years of age shall be allowed to clean machinery while in motion. All gearing and belting shall be provided with proper safeguard.

Cleaning moving machinery.

Accidents.

SEC. 18. It shall be the duty of the owner or superintendent to report, in writing, to the factory inspector all accidents or serious injury done to any person employed in such factory within twenty-four hours after the accident occurs, stating as fully as possible the cause of such injury.

Wash rooms, etc.

SEC. 19. A suitable and proper wash and dressing room and water-closets shall be provided for females, where employed, and the water-closets used by females shall not adjoin those used by males, but shall be built entirely away from them, and shall be properly screened and ventilated and at all times kept in a clean condition.

Time for meals.

SEC. 20. Not less than forty-five minutes shall be allowed for the noonday meal in any manufacturing establishment in this State. The factory inspector, his assistant or any of his deputies, shall have power to issue permits in special cases, allowing a shorter mealtime at noon, and such permit must be conspicuously posted in the main entrance of the establishment, and such permit may be revoked at any time the inspector deems necessary, and shall only be given where good cause can be shown.

Defective conditions.

SEC. 21. If the inspector of factories finds that the heating, lighting, ventilation or sanitary arrangement of any shop, or factory, is such as to be injurious to the health of persons employed therein, or that the means of egress in case of fire or other disaster is not sufficient or in accordance with all the requirements of law, or that the belting, shafting, gearing, elevators, drums and machinery, in shops and factories are located so as to be dangerous to employees and not sufficiently guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accident or injury to those employed at or near them, he shall notify the proprietor of such factory or workshop to make the alterations or additions necessary within sixty days, and any factory requiring exits or other safeguards provided for in fire escape law in case of fire, the same shall be erected by order of factory inspector regardless of the exemption granted by any board of county commissioners, fire marshals or other authorities, and if such alterations and additions are not made within sixty days from the date of such notice, or within such time as said alterations can be made with proper diligence upon the part of such proprietors, said proprietors or agents shall be deemed guilty of violating the provisions of this act.

Notice of alterations.

Deputy inspectors.

SEC. 22. The factory inspector, now or hereafter appointed under and by virtue of the provisions of this law, is hereby authorized to appoint such number of persons as in his judgment may be deemed necessary, not exceeding twelve, five of whom shall be females, who shall be known as deputy factory inspectors, either or any one or more of whom may be appointed to act as clerk in the main office, and whose duties it shall be to enforce the provisions of this act and of the several acts relating to factories and manufacturing establishments. The powers of said deputies shall be the same as the powers of the factory inspector, subject to the supervision and direction of the factory inspector.

Expenses, etc.

SEC. 23. The traveling expenses of each of said deputies shall be approved by the inspector and audited by the auditor general of the State before payment, and said deputy inspectors shall have an annual salary of twelve hundred dollars, to be paid monthly by the treasurer of the State out of any moneys not otherwise appropriated.

Inspection districts.

SEC. 24. Said factory inspector shall have power to divide the State into districts and to assign one of said deputies to each district, and may transfer any of the deputies to other districts in case the best interests of the State require it. The inspector shall have the power of removing any of the deputy inspectors at any time.

Removal of deputies.

Office.

SEC. 25. An office shall be furnished in the capitol, as soon as practicable, which shall be set apart for the use of the factory inspector. The factory inspector and his deputies shall have the same power to administer oaths or affirmations as is now given to notaries public in cases where persons desire to verify documents connected with the proper enforcement of this act.

Power to administer oaths.

Penalty.

SEC. 26. Any person who violates any of the provisions of this act, or who suffers or permits any child or female to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by a fine of not more than five hundred dollars.

Copy of act to be posted.

SEC. 27. A printed copy of this act shall be furnished by the inspector for each workroom of every factory, manufacturing or mercantile house, where persons are employed who are affected by the provisions of this act, and it shall be the duty of the employer of the people employed therein to post and keep posted said printed copy of the law in each room.

The attorney-general has decided that this act does not apply to factories wherein men only are employed.

Fire escapes on factories, etc.

(Page 914.)

Chains and ropes to be provided on certain buildings.

SECTION 1. In addition to the means of escape required in section one [now secs. 10 to 14, below], of the act to which this is a supplement, it shall be the duty of the owner or owners, in fee or for life, of every building constructed more than two stories high and used or intended to be used as a hotel, factory, manufactory, workshop, * * * and of the trustee or trustees of every estate, association, society, * * * owning or using any building constructed more than two stories high and used, or intended to be used, for any of said purposes, * * * to provide and cause to be securely affixed to a bolt through the wall over the window head, inside of at least one window in each room on the third floor, and in each room on each higher floor, of every such building, a chain at least ten feet in length, with a rope at least one inch in diameter, securely attached thereto, of sufficient length to extend to the ground, or such other appliances as may be approved by the board of fire commissioners of any city or county having a board of fire commissioners, or by the county commissioners of any county where there is no board of fire commissioners.

When floor is not subdivided.

SEC. 2. When the third floor or any higher floor of any such building is not subdivided into rooms, then at least six windows of each of such floors shall be provided with such chains and ropes, or such other appliances as may be approved by any board of fire commissioners, or by the county commissioners of any county where no board of fire commissioners shall exist.

Rooms with more than three windows.

SEC. 3. Whenever any room on the third floor, or on any higher floor of any such building, shall contain more than three windows, then at least one window out of every three windows in every such room, shall be provided with such chain and rope, or other such appliances as may be approved by any board of fire commissioners, or by the county commissioners of any county having no board of fire commissioners.

Position of ropes.

SEC. 4. Each of such ropes shall be coiled and kept in an unlocked box, in an unobstructed place, near the inside sill of the window to which such rope is attached.

Hall ways to be lighted. Alarms.

SEC. 5. In all hotels, factories, manufactories, workshops, * * * the hall ways and stairways shall be promptly lighted at night, and at the head and foot of each flight of stairs, and at the intersection of all hall ways with main corridors, shall be kept during the night, a red light, and one or more proper alarms or gongs, capable of being heard throughout the building, shall always remain easy of access and ready for use in each of said buildings, to give notice to the inmates in case of fire.

Notices to be posted.

SEC. 6. Every keeper of such hotel, factory, manufactory, workshop, * * * shall keep posted in a conspicuous place in every sleeping room, a notice descriptive of such means of escape.

Location of chains, etc.

SEC. 7. The board of fire commissioners, and county commissioners of any county having no board of fire commissioners, shall have the right to designate the location of the chains and ropes or other such appliance, in conformity with this act, to be attached to any building under the provisions of this act [secs. 1 to 9], and shall grant certificates of approval to every person, firm, corporation, trustees, * * * complying with the requirements of this act; which certificates shall relieve the party or parties to whom the same shall be issued from the liabilities, fines, damages and imprisonment imposed by this act.

Penalty. Damages.

SEC. 9. Every person, corporation, trustee, * * * neglecting or refusing to comply with the requirements of the first section of this act, shall be liable to a fine not exceeding three hundred dollars, to be collected as fines are now by law collectible, and shall also be deemed guilty of a misdemeanor, punishable by imprisonment for not less than one month, nor more than twelve months. And in case of fire occurring in any such building not provided with the chains and ropes, or such other appliances as may be required by any board of fire commissioners, or by the county commissioners of any county where no board of fire commissioners shall exist, in accordance with the requirements with [of] the first section of this act, the person, persons, trustee, trustees, corporation, * * * who or which, neglected or refused to provide such building with the chains and ropes, or such other appliances as aforesaid, shall be liable in an action for damages in case of death or personal injury being caused in consequence of such fire breaking out in said building, and such action may be maintained by any person or persons now authorized by law to sue in other cases for injuries caused by neglect of duty.

Fire escapes to be provided.

SEC. 10 (as amended by act No. 204, Acts of 1897). All the following described buildings within this Commonwealth, to wit: * * * every storehouse, factory, manufactory or workshop of any kind in which employees or operatives are usually employed at work in the third or any higher story, * * * shall be provided with a permanent, safe, external means of escape therefrom in case of fire, independent of all internal stairways; the number and location of such escapes to be governed by the size of the building and the number of its inmates, and arranged in such a way as to make them readily accessible, safe and adequate for the escape of said inmates.

Description.

SEC. 11 (as amended by act No. 204, Acts of 1897). Such escapes to consist of outside open iron stairway of not more than forty-five degrees slant, with steps not less than six inches in width and twenty-four inches in length.

Two escapes to be provided, when.

SEC. 12 (as amended by act No. 204, Acts of 1897). And all of said buildings, capable of accommodating from one hundred to five hundred or more persons as operatives, * * * shall be provided with two such stairways, and more than two stairways if such be necessary to secure the speedy and safe escape of said inmates in case the internal stairways are cut off by fire or smoke.

Duty of owners, etc.

SEC. 13 (as amended by act No. 204, Acts of 1897). And it shall be the duty of the owner or owners in fee or for life, of every such building, and of the trustee or trustees of every estate, association, society, * * * owning or using any such building, * * * to provide and cause to be securely affixed outside of every such building such permanent, external, uninclosed fire escape.

Erection of other escapes.

SEC. 14 (as amended by act No. 204, Acts of 1897). Nothing herein contained shall prohibit any person whose duty it is under this act to

erect fire escapes from selecting and erecting any other and different device, design or instrument, being a permanent, safe, external means of escape, subject to the inspection and approval of the constituted authorities for that purpose.

Inspection.

SEC. 15. It shall be the duty of the board of fire commissioners, in conjunction with the fire marshal of the district, where such commissioners and fire marshal are elected or appointed, to first examine and test such fire escape or escapes, and, after [if] upon trial said fire escape or escapes should prove to be in accordance with the requirements of section one of this act [secs. 10 to 14, above], then the said fire marshal, in connection with the fire commissioners, or a majority of them, shall grant a certificate approving said fire escape, thereby relieving the party or parties to whom such certificate is issued from the liabilities of fines, damages and imprisonment imposed by this act: *Provided, further*, That in counties where no such fire marshal or fire commissioners exist, then the county commissioners in each said county shall be the board of examiners, and shall grant certificates of approval when escapes are erected in accordance with the requirements of section one of this act [secs. 10 to 14, above].

Penalty.

SEC. 16. Every person, corporation, trustee, * * * neglecting or refusing to comply with the requirements of section one of this act [secs. 10 to 14, above], in erecting said fire escape or escapes, shall be liable to a fine not exceeding three hundred dollars, and also be deemed guilty of a misdemeanor punishable by imprisonment for not less than one month or more than two months. And in case of fire occurring in any of said buildings in the absence of such fire escape or escapes, approved by certificate of said officials, the said person or corporations shall be liable in an action for damages in case of death or personal injuries sustained in consequence of such fire breaking out in said building, and shall also be deemed guilty of a misdemeanor punishable by imprisonment for not less than six months nor more than twelve months; and such action for damages may be maintained by any person now authorized by law to sue, as in other cases of similar injuries.

Escapes now in use.

SEC. 17. Nothing in this act shall interfere with fire escapes now in use, approved by the proper authorities.

Factories, workshops, etc.—Safeguards against fire—Philadelphia.

(Page 1449.)

Stairway.

SECTION 235. All buildings to be hereafter erected or altered to be used as a schoolhouse, church, public building, hall, place of assembly or resort, tenement house, hotel, lodging house, factory or workshop more than two stories in height, shall have at least one stairway, accessible from each apartment, which shall be inclosed with brick walls or partitions made of incombustible materials and shall have no interior openings other than the doors of the apartments from which it is an exit.

Fire escape.

SEC. 236. All stores to be hereafter erected or altered to the extent of twenty-five per centum of the assessed valuation, when more than three stories in height, and in which any one of the stories above the second shall have a clear floor space of not less than four thousand square feet, shall be provided with a tower fire escape, inclosed in incombustible material adjoining one of its fronts, and such fire escape from the first to the second story may be a spiral staircase. Such fire escape shall be held and taken as a fire escape under the terms of the act approved June eleventh, one thousand eight hundred and seventy-nine, entitled "An act to provide for the better security of life and limb in cases of fire in hotels and other buildings," and the several supplements and amendments thereto. And in the case of such stores in which the clear floor space of any story above the second shall be over ten thousand square feet, the board of fire escapes may require one or more additional tower fire escapes as above described. And all mills, more than two stories high, of the floor area per story of three thousand square feet or more, shall have such brick inclosed fire escape or escapes as shall be approved by the board of fire escapes.

Obstructions.

SEC. 237. No obstruction shall be placed upon any way of egress from any building.

Storing explosives.

SEC. 238. No explosives or inflammable compound or combustible material shall be stored or placed under any stairway of any building, or be used in any such place or manner as to obstruct or render egress hazardous in case of fire.

Trapdoors for hoistways.

SEC. 240. In any store or building, in the city of Philadelphia, in which there shall exist or be placed, any hoistway, hatchway, elevator or wellhole, or in which there shall be made an opening through the floor, the same shall be properly protected or covered, by a good and sufficient trapdoor, or such other appliances as may be necessary to secure the same from being or becoming dangerous to life or limb, and on the completion of the business of each day the said trapdoor or other appliances shall be safely closed by the occupant having the use and control of the same; any violation of the provisions of this act shall subject the offender or offenders to a fine of fifty dollars, for each offense, to be recovered, with cost of suit, in an action of debt, in any court having cognizance thereof, by, to and for the use of the Philadelphia association for the relief of disabled firemen.

Guards.

SEC. 241. In any hoistway, elevator or wellhole not inclosed in walls of brick or other fireproof materials, the openings through and upon each floor shall be provided with and protected by a substantial guard or gate, or with good and sufficient automatic trapdoors to close the same. Outside windows or openings of every elevator shaft shall have such sign or device to indicate the existence of the said shaft as shall

Certificate.

be approved by the bureau of fire. No passenger elevator shall be operated, unless a certificate, signed by some reputable elevator builder that the elevator is safe and in good order, has been furnished within six months and is posted in the car at the entrance.

Inspection of steam boilers—Philadelphia.

(Page 1460.)

Inspector.

SECTION 351. There shall be an inspector of steam engines and boilers in and for the city of Philadelphia, who shall be nominated by the mayor and confirmed by select council. The mayor shall appoint an advisory commission, consisting of five persons, either practically engaged in the manufacture of steam engines and boilers, or scientific experts familiar with their management, who shall give their written consent to serve on such commission without compensation, and perform the duties as hereinafter provided. Whenever the mayor shall have appointed all the members of the said commission as aforesaid, he shall call them together at such time and place as he may select, for the purpose of organization and the adoption of such by-laws as to them may seem useful. The mayor is hereby authorized to have suitable accommodations provided for the use of said commission, and to furnish them with the requisite stationery and the services of a competent clerk. To this commission the mayor shall refer for examination such person or persons as he may consider suitable candidates for the office of inspector of steam engines and boilers, and the said commission shall inquire into the qualifications of such candidates without unnecessary delay, and report the result thereof to the mayor. In case the commission shall not report upon said candidate or candidates within thirty days from the time they have received notice of reference, or shall not have reported satisfactory reasons for longer delay, the mayor may discharge said commission and appoint another in its place. No appointment of inspector shall be confirmed by select council until the nominee shall have been reported by the aforesaid commission as qualified for the position. Whenever an appointment of inspector shall have been confirmed by select council, the duties of the advisory commission shall cease and determine, and all books, papers and records shall be deposited in the mayor's office for the use of any subsequent commission.

Duty of inspector.

SEC. 352. It shall be the duty of the inspector to carefully examine and inspect all stationary steam engines and steam boilers, erected or in use at the time this goes into effect; and thereafter no stationary steam engine or steam boiler shall be erected and put into use and operation in the city of Philadelphia, without being first inspected and certified to be competent and safe, under the hand and seal of the officer created by this act; and he shall furnish to the owner, proprietor or

other person using such engine or steam boiler, a certificate under his hand and the seal of his office that it has been so inspected and found to be competent and safe; he shall, from time to time, and as often as he may deem expedient, examine all or any such engines or steam boilers in use or operation, and for such purpose, he, together with his assistants, may enter upon any premises and require the removal of any part of the building, fixtures or machinery, and he shall note in a book, to be kept for that purpose, the result of every such examination; and he shall, at least once in every year, make such examination, and give certificate of the result thereof, whenever required. Certificate.

SEC. 355. If any person shall maintain or keep in use or operation, or shall put in use or operation, any stationary steam engine or steam boiler, within the said city of Philadelphia, without having first received a certificate that the same has been found to be safe and competent, as is hereinbefore provided for, or shall put or keep in use or operation any such stationary steam engine or steam boiler, within the said city after notice from the said inspector, that the same is not competent and safe, he or she so offending shall be deemed guilty of a misdemeanor, and upon conviction in the said court of quarter sessions for the said county, shall be sentenced to pay a fine not exceeding five thousand dollars, and to undergo imprisonment in the jail of said county either with or without labor, as the court may direct, for a term not exceeding two years; and each and every such person shall be liable for all damages, that may accrue, directly or indirectly to any person or persons whatever. Operating engine without certificate.

BRIGHTLY'S DIGEST, 1893–1903.

Regulation and inspection of bakeries.

(Page 62.)

SECTION 1. No employee shall be required, permitted or suffered to work in a biscuit, bread or cake bakery, [or] confectionery establishment more than six (6) days in any one week, said week to commence on Sunday not before six o'clock post meridian, and to terminate at the corresponding time on Saturday of the same week. No person under the age of eighteen (18) years shall be employed in any bakehouse between the hours of nine (9) o'clock at night and five (5) in the morning. Excepted from this rule shall be the time on Sunday for setting the sponges for the night's work following. Hours of labor.

The week may begin on Sunday any time after 6 p. m. and close at the same hour on Saturday of the same week. 19 Co. C. Rep. 476.

The provision as to the limit of a week's labor is meaningless and absurd, and no indictment upon it can be sustained. 20 Co. C. Rep. 476.

SEC. 13. No minor male or female, or adult woman, shall be employed at labor or detained in any biscuit, bread, pie or cake bakery, pretzel or macaroni establishment, for a longer period than twelve hours in any one day, nor for a longer period than sixty hours in any one week. Women and children.

SEC. 14. All buildings or rooms occupied as a biscuit, bread, pretzel, pie or cake bakery, or macaroni establishment, shall be drained and plumbed in the manner directed by the rules and regulations governing the house drainage and plumbing, as prescribed by law, and all rooms used for the purpose aforesaid shall be ventilated by means of air shafts, windows or ventilating pipes, so as to insure a free circulation of fresh air. No cellar, or basement, not now used for a bakery, shall hereafter be occupied and used as a bakery unless the proprietor shall have previously complied with the sanitary provisions of this act [secs. 13 to 23]. Sanitation.

SEC. 15. Every room used for the manufacture of flour or meal food products shall have a tight floor, constructed of cement, wood, or tiles, laid in cement. The inside walls shall be plastered, or painted with oil paint, three (3) coats, or be limewashed. When painted, shall be renewed at least once in every five years, and shall be washed with hot water and soap at least once in every three (3) months; when limewashed, the lime washing shall be renewed at least once in every three (3) months. The furniture and utensils in such room shall be so arranged Same subject.

that the furniture and floor may at all times be kept in a thoroughly sanitary and clean condition. No domestic or pet animal shall be allowed in a room used as a biscuit, bread, pie, or cake bakery, or in any room in such bakery where flour or meal food products are stored.

Wash rooms, etc. SEC. 17. Every such bakery shall be provided with a wash room and water-closet, or closets, apart from the bake room or rooms, where the manufacture of such food products is conducted, and no water-closet, earth closet, privy, or ash pit, shall be within or communicate directly with the bake room of any bakery.

Sleeping rooms. SEC. 18. The sleeping room or rooms, for persons employed in bakeries shall be kept separate and apart from the room or rooms where flour or meal food products are manufactured or stored. And such sleeping places, when they are on the same floor as the bakery, shall be inspected in order to maintain them in a condition of cleanliness.

Contagious diseases. SEC. 19. No employer shall, knowingly, require, permit or suffer, any person to work in his bake shop who is affected with consumption of the lungs, or with scrofulous diseases, or with any venereal diseases, or with any communicable skin affections; and every employer is hereby required to maintain himself and his employees in a clean condition while engaged in the manufacture, handling or sale of such food products, and it is hereby made the duty of the board of health to enforce the provisions of this section.

Inspection. SEC. 20. The factory inspector is authorized to issue a certificate of satisfactory inspection to a person conducting a bakery, where such bakery is conducted in compliance with all the provisions of this act [secs. 13 to 23].

Alterations. SEC. 21. The owner, agent or lessee of any property * * * shall make the alterations or additions necessary, within such time as said alterations can be made with proper diligence upon the part of such proprietors, and notice to the last known address of such owner, agent or lessee, shall be deemed sufficient for the purpose of this act [secs. 13 to 23].

Law to be posted. SEC. 22. A copy of this act shall be conspicuously posted and kept posted in each workroom of every bread, cake, or pie bakery, or confectionery establishment, in this State.

Violations. SEC. 23. Any person who violates any of the provisions of this act [secs. 13 to 23], or refuses to comply with any requirements, as provided herein, of the factory inspector or his deputy, who are hereby charged with the enforcement of this act, excepting section seven [sec. 19], shall be guilty of a misdemeanor, and on conviction before any justice of the peace, magistrate, alderman, mayor or burgess, shall be punished by a fine of not less than twenty nor more than fifty ($50) dollars, for a first offense; and not less than fifty ($50) [dollars] nor more than one hundred ($100) dollars, for a second offense, or imprisonment for not more than ten (10) days; and for a third offense, by a fine of not less than two hundred and fifty ($250) dollars and [not] more than thirty (30) days' imprisonment.

Inspection of factories, etc.—Fire escapes, etc.—Cities of the second class.

(Page 581.)

Stairways. SECTION 199. All buildings [in cities of the second class] to be hereafter erected or altered to be used as a * * * factory or workshop, more than two stories in height, shall have at least one stairway accessible from each apartment, which shall be inclosed wtih [with] brick walls, or partitions made of incombustible materials, and shall have no interior openings, other than the doors of the apartments from which it is an exit. All stores to be hereafter erected or altered to the extent of twenty-five per centum of the assessed valuation, when more than three stories in height, and in which any one of the stories above the second shall have a clear floor space of not less than four thousand square feet, may be provided with a tower fire escape, inclosed in incombustible material, adjoining one of its fronts, and such fire escape from the first to the second story may be a spiral staircase. Such fire escape shall be held and taken as a fire escape under the terms of the act, approved June eleventh, one thousand eight hundred and seventy-nine, entitled "An act to provide for the better security of life and limb in

Fire escape.

cases of fire in hotels and other buildings," and the several supplements and amendments thereto; and in the case of such stores in which the clear floor space of any story above the second shall be over ten thousand square feet, the said bureau [bureau of building inspection] may require one or more additional tower fire escapes as above described; and all mills more than two stories high of the floor area per story of three thousand square feet, or more, shall have such brick inclosed fire escape, or escapes as shall be approved by the director of the department of public safety. No obstruction shall be placed upon any way of egress from any building. No explosive or inflammable compound or combustible material shall be stored or placed under any stairway of any building, or to be used in any such place or manner as to obstruct or render egress hazardous in case of fire.

Hoistways to be guarded.

SEC. 200. In any hoistway, elevator or wellhole not inclosed in walls of brick or other fireproof materials, the openings through and upon each floor shall be provided with, and protected by, a substantial guard or gate, or with good and sufficient automatic trapdoors to close the same. Outside windows or openings of every elevator shaft shall have such sign or device to indicate the existence of the said shaft, as shall be approved by the said director of the department of public safety. No passenger elevator shall be operated unless a certificate signed by some reputable elevator builder that the elevator is safe and in good order has been furnished within six months, and is posted in the car at the entrance, and such further examinations and certificates shall be made and furnished as the director of the department of public safety may require.

Certificates for elevators.

Factories and workshops—Sweat shops.

(Page 825.)

Manufactures in tenements.

SECTION 1. No room or apartment in any tenement or dwelling house shall be used for the manufacture of coats, vests, trousers, knee pants, overalls, skirts, dresses, cloaks, hats, caps, suspenders, jerseys, blouses, waists, waistbands, underwear, neckwear, furs, fur trimmings, fur garments, shirts, hosiery, purses, feathers, artificial flowers, cigarettes or cigars, and no person, firm or corporation shall hire or employ and [any] person to work in any room, apartment, or in any building or parts of building, at making in whole or in part any of the articles mentioned in this section, without first obtaining a written permit from the factory inspector, or one of his deputies, stating the maximum number of persons allowed to be employed therein, and that the building or part of building intended to be used for such work or business is thoroughly clean, sanitary and fit for occupancy for such work or business. Such permit shall not be granted until an inspection of such premises is made by the factory inspector or one of his deputies. Said permit may be revoked by the factory inspector at any time the health of the community or of those so employed may require it. It shall be framed and posted in a conspicuous place in the room, or in one of the rooms to which it relates. Every person, firm, company or corporation contracting for the manufacture of any of the articles mentioned in this section, or giving out the incomplete material from which they or any of them are to be made, or to be wholly or partly finished shall, before contracting for the manufacture of any of said articles or giving out said material from which they or any of them are to be made, require the production by such contractor, person or persons of said permit from the factory inspector as required in this section, and shall keep a written register of the names and addresses of all persons to whom such work is given to be made, or with whom they may have contracted to do the same. Such register shall be produced for inspection and a copy thereof shall be furnished on demand made by the factory inspector or one of his deputies: *Providing*, That nothing in this section shall be so construed as to prevent the employment of a seamstress by any family for manufacturing articles for such [family's] use.

Permit required.

Register.

Air space.

Ventilation.

SEC. 2. Not less than two hundred and fifty cubic feet of air space shall be allowed for each and every person in any workroom where persons are employed at such labor as hereinbefore described. There shall be sufficient means of ventilation provided in each workroom

of every such establishment, and said workroom or rooms in said establishment shall be kept thoroughly clean, sanitary and fit for occupancy for such work or business. The factory inspector and deputy factory inspector, under the direction of the factory inspector, shall notify the owner, agent or lessee in writing to provide, or cause to be provided, ample and proper means for ventilating such workroom or rooms, and to put said workroom or rooms in a thoroughly clean, sanitary and fit condition for occupancy for such work or business, and shall prosecute such owner, agent or lessee if such notification be not complied with within ten days of the service of such notice; and any factory or shop under this act requiring exits or other safeguards provided for in the fire-escape law, the same shall be erected and located by order of [the] factory inspector regardless of the exemption granted by any board or [of] county commissioners, fire marshals or other authorities, and if such alterations and additions are not made within sixty days from the date of such notice, or within such time as said alterations can be made with proper diligence upon the part of such proprietors, said proprietors or agents shall be deemed guilty of violating the provisions of this act.

Sanitary requirements, etc.

Copy of law to be posted.

SEC. 3. A printed copy of this act shall be furnished by the inspector for each workroom of every factory, manufacturing or mercantile house where persons [are] employed who are affected by the provisions of this act, and it shall be the duty of the employer of the person[s] employed therein to post and keep posted said printed copy of the law in each room.

Penalty.

SEC. 4. Any person who violates any of the provisions of this act, or refuses to comply with any requirements of the factory inspector or a deputy factory inspector, as provided herein, shall be guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than twenty dollars nor more than fifty dollars for the first offense, and not less than fifty dollars nor more than one hundred dollars for a second offense, or imprisonment for not more than ten days; and for a third effense [offense], by a fine of not less than two hundred and fifty dollars and not more than thirty days' imprisonment. In all such cases the hearing shall be conducted by the alderman or justice of the peace before whom information is lodged, and after full hearing of parties in interest the alderman or justice of the peace shall impose the fine herein provided, which shall be final unless an appeal be taken to the court of quarter sessions within twenty days from the date of the imposition of the fine as herein provided. And it shall also be lawful for the factory inspector or any of his deputies, and each and every one of them are hereby authorized and empowered to seize, take charge of, condemn and destroy any or all clothing found that is being made, or partially made, or manufactured in unhealthy or unsanitary places, or where there are contagious or infectious diseases, in violation of the provisions of this act of assembly.

ACTS OF 1905.

ACT NO. 226.—*Inspection of factories, workshops, etc.*

Seats for females.

SECTION 7. Every person, firm or corporation employing girls or adult women, in any establishment, shall provide suitable seats for their use, and shall permit such use when the employees are not necessarily engaged in active duties.

Wash rooms.

SEC. 8. Every person, firm or corporation employing males and females in the same establishment, shall provide for such employees suitable and proper wash and dressing rooms, and water-closets for males and females; and the water-closets, wash and dressing rooms used by females shall not adjoin those used by males, but shall be built entirely away from them, and shall be properly screened and ventilated; and all water-closets shall at all times be kept in a clean and sanitary condition.

Time for meals.

SEC. 9. Not less than one hour shall be allowed for the noonday meal in any establishment. But the chief factory inspector may, for good cause, reduce the time for the noonday meal in establishments where all the other provisions of this act are observed, which entail duties upon the part of employers.

Law, etc., to be posted.

SEC. 10. Every person, firm or corporation employing men, women or children, in any establishment, shall post and keep posted in a conspicuous place, in every room where such help is employed, a printed copy of the factory laws, a printed notice stating the number of hours per day for each day of the week required of such persons; and in every room where children under sixteen years of age are employed, a list of their names, with their ages.

Belt shifters, guards, etc.

SEC. 11. The owner or person in charge of an establishment where machinery is used shall provide belt shifters or other mechanical contrivances for the purpose of throwing on or off belts or pulleys. Whenever practicable, all machinery shall be provided with loose pulleys. All vats, pans, saws, planers, cogs, gearing, belting, shafting, set screws, grindstones, emery wheels, fly wheels, and machinery of every description shall be properly guarded. The floor space of no working room in any establishment shall be so crowded with machinery as thereby to cause risk to the life or limb of an employee; nor shall there be in any establishment machinery in excess of the sustaining power of the floors and walls thereof. No person shall remove or make ineffective any safeguard around or attached to machinery, vats or pans while the same are in use, except for the purpose of immediately making repairs thereto, and all such safeguards so removed shall be properly replaced. Exhaust fans of sufficient power, or other sufficient devices, shall be provided for the purpose of carrying off poisonous fumes and gases, and dust from emery wheels, grindstones and other machinery creating dust. If a machine or any part thereof is in a dangerous condition, or is not properly guarded, the use thereof may be prohibited by the chief factory inspector or by his deputy, and a notice to that effect shall be attached thereto. Such notice shall not be removed until the machinery is made safe and the required safeguards are provided, and in the meantime such unsafe or dangerous machinery shall not be used.

Fans,

Elevator wells, etc.

SEC. 12. The owner, agent, lessee, superintendent, or other person having charge or managerial control of any establishment, hotel, hospital, apartment house or other building, where elevators, hoisting shafts, lifts or wellholes are used, shall cause the same to be properly and substantially inclosed, secured or guarded; and shall provide such proper traps or automatic doors, so fastened in or at all elevator ways, except elevators inclosed on all sides, as to form a substantial surface when closed, and so constructed as to open and close by action of the elevator in its passage, either ascending or descending. The cable, gearing or other apparatus of elevators, hoisters, or lifts, shall be kept in a safe condition: *Provided*, That the provisions of this section shall not apply to cities of the first and second classes.

Air space.

SEC. 13. The owner, agent, lessee, or other person having charge or managerial control of any establishment, shall provide or cause to be provided not less than two hundred and fifty cubic feet of air space for each and every person in every workroom in said establishment, where persons are employed, and shall provide that all workrooms, halls and stairways in said establishment be kept in a clean and sanitary condition and properly lighted.

Manufactures in tenements.

SEC. 14. No person, firm or corporation engaged in the manufacture or sale of clothng or other wearing apparel, cigars or cigarettes, shall bargain or contract with any person, firm or corporation for the manufacture, or partial manufacture, of any of said articles or goods where the same are to be made in any kitchen, living room or bedroom in any tenement house or dwelling house, except where the persons bargaining or contracting to make or partially make any of the aforesaid articles or goods are resident members of the family, residing in such tenement house or dwelling house where the said articles or goods are to be made or partially made, and who have furnished the person, firm or corporation engaged in the manufacture or sale of said articles or goods, and with whom the bargain or contract is to be made, a certificate from the board of health, of the city or town in which such tenement house or dwelling house is situated, that the same is free from any infectious or contagious disease; which certificate may be revoked by the board of health whenever the exigencies of the case shall require: *Provided*, That the term "family" in this section shall include only the parents and their children, or the children of either.

Inspection required.

SEC. 15. No person, firm or corporation engaged in the manufacture or sale of any of the aritcles or goods enumerated in section fourteen of this act, shall bargain or contract with any person, firm or corporation for the manufacture, or partial manufacture, of any of the said articles or goods in any workshop, not part of a tenement or dwelling house, unless the said workshop shall have been inspected by the chief factory inspector or by one of his deputies, and who shall have issued a printed permit to the person in charge of such workshop, stating that the same is in a clean and safe and sanitary condition, and fixing the maximum limit to the number of persons who may be employed therein; the permit to be posted and kept posted in a conspicuous place in such workshop: *Provided*, That this section shall not apply to any workshop wherein the aforesaid articles or goods are manufactured for the general trade, and are to be sold and delivered in or upon the premises, and are not manufactured, or partially manufactured, under a bargain or contract with any person, firm or corporation employed in the manufacture and sale of the article aforesaid.

Permits canceled, when.

SEC. 16. Whenever the sanitary conditions of any workshop, as defined in section fifteen, is dangerous to the health and safety of the employees therein or to the public, the chief factory inspector or his deputy shall cancel the permit aforesaid, and shall order that the workshop be vacated until the provisions of this act shall have been complied with and the workshop restored to proper sanitary condition.

Bakeries.

SEC. 17. All persons, firms and corporations engaged in the manufacture or baking of bread, cakes, crackers, pastry, pretzels or macaroni, for public sale, shall keep their room or rooms for baking, mixing, storing, or sale of flour or other grain products separate and apart from any sleeping room, water-closet, urinal, defective drain or sewer pipe, and shall not permit the harboring of any domestic animal therein. The floors of all baking, mixing, storing and sales rooms shall be kept clean and tightly joined and free from crevices, and the walls and ceilings shall be painted, kalsomined or whitewashed as often as twice in each year and oftener if, in the opinion of the chief factory inspector or his deputy, the safety of the employees or the public shall require.

Permits.

SEC. 18. When the foregoing provisions of section seventeen are complied with, the chief factory inspector or his deputy shall issue to the owner or person in charge of such bake shop a permit, stating that the same is in a clean and sanitary condition; which permit shall be posted and kept posted in the office or sales room of the bake shop, aforesaid; but when any of the foregoing provisions of section seventeen are not being complied with in any bake shop, the chief factory inspector or his deputy shall issue to the person in charge, or his representative, a written order to comply with the law aforesaid, within ten days; or he may order the closing of any such bake shop until the order shall have been complied with, should the safety of the employees, or the public, in his opinion, so require.

Boilers to be inspected.

SEC. 19. All boilers used for generating steam or heat in any establishment shall be kept in good order, and the owner, agent or lessee of such establishment shall have said boilers inspected, by a casualty company in which said boilers are insured, or by any other competent person approved by the chief factory inspector, once in twelve months, and shall file a certificate showing the result thereof, in the office of such establishment, and shall send a duplicate thereof to the department of factory inspection. Each boiler or nest of boilers used for generating steam or heat in any establishment shall be provided with a proper safety valve and with steam and water gauges, to show, respectively, the pressure of steam and the height of water in the boilers. Every boiler house, in which a boiler or nest of boilers is placed, shall be provided with a steam gauge properly connected with the boilers, and another steam gauge shall be attached to the steam pipe in the engine house, and so placed that the engineer or fireman can readily ascertain the pressure carried. Nothing in this section shall apply to boilers which are regularly inspected by competent inspectors, acting under local laws and ordinances.

Accidents.

SEC. 20. It shall be the duty of the owner or superintendent of any establishment to report, in writing, to the chief factory inspector every serious accident or serious injury done to any person in his or her employ, where such accident or serious injury occurred in or about

the premises where employed, within twenty-four hours after the accident or injury occurs, stating as fully as possible the cause of such accident or injury; and in all fatal and serious accidents the chief factory inspector or his deputy may subpœna witnesses, administer oaths, and do whatever may be necessary in order to make a thorough and complete investigation of the same: *Provided however*, That the provisions of this section shall not be construed as interfering with the duties of coroners, under existing laws.

Duty of owner, etc.

SEC. 21. It shall be the duty of the owner, superintendent, assistant or person in charge of any establishment to furnish, from time to time, to the chief factory inspector or his deputy any information required by the provisions of this act, and the chief factory inspector and his deputies shall have authority to inspect any such establishment, at any time, for the purpose of enforcing the provisions of this act.

Fire escapes, etc.

SEC. 22. Wherever the law makes it the duty of the owner, lessee, or other person in charge of any building, or room or rooms in any building, to erect and maintain fire escapes, or appliances for the extinguishment of fire, or for proper and sufficient exits in case of fire or panic, the chief factory inspector or his deputy shall inspect all said buildings, or the room or rooms in said buildings, and notify the owners, lessees, or other persons in charge of same, to comply with said law. And all fire escapes, exits and fire-extinguishing appliances shall be provided and located by order of the chief factory inspector or his deputy, and shall be subject to the approval of the chief factory inspector or his deputy: *Provided*, That the provisions of this section shall not apply to cities of the first and second classes.

Violations.

SEC. 23. Any person who violates any of the provisions of the foregoing sections of this act, or who suffers any female, minor or a child to be employed in or about his or her establishment, in violation of any of the provisions of the foregoing sections of this act, or who, being authorized to administer oaths, shall violate any of the provisions of sections five and six of this act, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than twenty-five dollars and not more than five hundred dollars, or an imprisonment in the county jail for a term not less than ten days nor more than sixty days, for each and every such violation. In all cases the prosecution shall be instituted, in the name of the Commonwealth, by the deputy factory inspector of the district where the offense is alleged to have been committed, and the hearing shall be conducted by the alderman, justice of the peace or other committing magistrate before whom the information is lodged. After full hearing of the parties in interest, the alderman, justice of the peace or other committing magistrate shall, if the evidence warrants it, impose the penalty herein provided, which shall be final to the party against whom the penalty is imposed, unless the party upon whom the penalty is imposed shall furnish good and sufficient bail for his or her appearance at the next term of the court of quarter sessions of the county wherein the offense is alleged to have been committed.

Duty of chief inspector.

SEC. 25. The chief factory inspector shall prepare the form of the employment certificates for children, and the permits, blanks, orders and notices required by this act; the same to be printed in accordance with the laws regulating printing and publishing, under the supervision of the superintendent of public printing and binding. He shall also divide the State into inspection districts, and assign one of the deputy factory inspectors to each district, and may transfer any of the said inspectors from one district to another, and make such rules and regulations governing their employment as the best interests of the service shall require. And he, the deputy factory inspector, and those employed in the office of the chief factory inspector, shall have the same power to administer oaths or affirmations as is now given to notaries public, in all cases where any person desires to verify documents necessary and incident to the issuing of employment certificates for children.

Report.

SEC. 26. After the first day of January in each year, the chief factory inspector shall compile or cause to be compiled a succinct statistical and narrative report, to be addressed to the governor of the Commonwealth, of the work of his department for the year ending December thirty-first.

Officials.

SEC. 27. To more effectually secure the observance of the provisions of this act and the fire-escape laws, the governor shall appoint, by and with the advice and consent of the senate, a chief factory inspector, for a term of four years, at a salary of five thousand dollars per annum; and who shall appoint a chief clerk, at a salary of two thousand dollars per annum; a statistician, at a salary of eighteen hundred dollars per annum; an assistant clerk, at a salary of fourteen hundred dollars per annum; a messenger, who shall be a typewriter, at a salary of twelve hundred dollars per annum, and thirty-nine deputy factory inspectors, five of whom shall be women, at a salary of twelve hundred dollars each, per annum, and their necessary traveling expenses; the chief factory inspector and his appointees, aforesaid, to constitute the department of factory inspection.

RHODE ISLAND.

GENERAL LAWS OF 1896.

CHAPTER 68.—*Inspection of factories, workshops, etc.*

Inspectors.

SECTION 3 (as amended by chapter 1215, enacted 1905). The governor shall, in the week following the passage of this act, and in the month of January of every third year hereafter, appoint, with the advice and consent of the senate, one chief and two assistant factory inspectors, one of whom shall be a woman, whose term of office shall be three years and until their successors shall be so appointed and qualified. Any vacancy which may occur in said offices when the senate is not in session shall be filled by the governor until the next session thereof, when he shall, with the advice and consent of the senate, appoint some person to fill such vacancy for the remainder of the term. Said inspector shall be empowered to visit and inspect at all reasonable hours and as often as practicable the factories, workshops, and other establishments in this State subject to the provisions of this chapter, and shall report to the general assembly of this State at its January session in each year, including in said reports the names of the factories, the number of such hands employed, and the number of hours of work performed in each week. It shall also be the duty of said inspectors to enforce the provisions of this chapter and prosecute all violations of the same before any court of competent jurisdiction in the State. The name and residence of any child found working without the certificate provided for in section one of this chapter shall be reported by the chief factory inspector to the school committee in the city or town where such child resides. Said inspectors shall devote their whole time and attention to the duties of their respective offices, under the direction of the chief inspector. The annual salary of the chief inspector shall be two thousand dollars, and each of the assistant inspectors fifteen hundred dollars.

Expenses.

SEC. 4 (as amended by chapter 1215, enacted, 1905). All necessary expenses incurred by such inspectors in the discharge of their duty shall be paid from the funds of the State, upon the presentation of proper vouchers for the same approved by the governor: *Provided*, That not more than two thousand dollars in the aggregate shall be expended by the said inspectors in any one year.

Hoisting shafts, etc., to be guarded.

SEC. 5. It shall be the duty of the owner, agent or lessee of any such factory, manufacturing or mercantile establishment, where hoisting shafts or wellholes are used, to cause the same to be properly and substantially inclosed or secured if, in the opinion of the inspectors, it is necessary to protect the life or limbs of those employed in such establishments. It shall be the duty of the owners, agent or lessee to provide or to cause to be provided such proper trap or automatic doors, so fastened in or at all elevator ways as to form substantial surfaces when closed, and so constructed as to open and close by action of the elevator in its passage either ascending or descending, if so directed by said factory inspectors or either one of them.

Minor cleaning moving machinery.

SEC. 6. No minor under sixteen years of age shall be allowed to clean machinery while in motion, unless the same is necessary and is approved by said inspectors as not dangerous. All belting and gearing shall be provided with proper safeguard[s].

Accidents.

SEC. 7. It shall be the duty of the owners or superintendent to report in writing to the factory inspectors all fatal accidents within forty-eight hours after their occurrence; and all accidents which prevent the injured person or persons from returning to work within two weeks after the injury shall, within one week after the expiration of such two weeks, be reported in writing by the person in charge of such establishment or place to the said inspectors, stating as fully as possible the cause of such accidents.

Water - closets, etc.

SEC. 8. Water-closets, earth closets or privies shall be provided in all places where women and children are employed, in such manner as shall, in the judgment of said inspectors, meet the demands of health and propriety. Separate dressing rooms for women and girls shall be provided in all establishments where such are deemed a necessity by said factory inspectors; and in every manufacturing, mechanical or mercantile establishment in which women and girls are employed, there shall be provided, conveniently located, seats for such women and girls, and they shall be permitted to use them when their duties do not require their standing.

Seats for female employees.

Defective conditions.

SEC. 9. If the factory inspectors, or either one of them, find that the heating, lighting, ventilation or sanitary arrangement of any shop or factory is such as to be injurious to the health of the persons employed therein, or that the means of egress in case of fire or other disaster is not sufficient, or in accordance with all the requirements of law, or that the belting, shafting, gearing, elevators, drums and machinery in shops and factories are located so as to be dangerous to employees, and not sufficiently guarded, or that the vats, pans or structures filled with molten metal or hot liquid are not surrounded with proper safeguards for preventing accident or injury to those employed at or near them, either or both shall notify the proprietor of such factory or workshop to make the alterations or additions necessary within ninety days; and if such alterations or additions are not made within ninety days from the day of such notice, or within such time as such alterations can be made with proper diligence upon the part of said proprietors, said proprietors or agents shall be deemed guilty of violating the provisions of this chapter, subject, however, to the right of appeal as hereinafter provided.

Notice.

Appeal from inspectors' orders.

SEC. 10. Any person who is aggrieved by any order of said inspectors may appeal therefrom to the district court of the judicial district in which the building which is the subject of the order is situated, by filing his reasons of appeal within seven days after the date of the order appealed from, and by giving notice thereof to the inspector who made the order within forty-eight hours after filing said reasons of appeal; and said court shall proceed to hear the said appeal at its first session after such notice shall have been given, and shall approve, modify or revoke said order as it may deem right, subject, however, to the right of a jury trial after decision * * * And any such decision of said court from which a jury trial is not claimed shall be final and conclusive.

Power of inspectors.

SEC. 11. The State shall provide a suitable office for the use of said factory inspectors, and said factory inspectors shall have the power to administer oaths or affirmations in cases where persons desire to verify documents connected with the proper enforcement of this chapter.

Violations.

SEC. 12 (as amended by chapter 1215, enacted 1905). Any person or corporation who employs a child under sixteen years of age without the certificate required by section one of this chapter, or who makes a false statement in regard to any part required by such certificate or who violates any of the provisions of this chapter, or who suffers or permits any child or woman to be employed in violation of its provisions, shall be deemed guilty of a misdemeanor and, on conviction, shall be punished by a fine of not more than five hundred dollars: *Provided, however*, That this section shall not apply to that portion of section 1 of this chapter which fixes the penalty for the refusal to show to the inspector any certificate provided for in that section.

Copy of act to be posted.

SEC. 13. A printed copy of this chapter shall be posted by the inspectors in each workroom of every factory, manufacturing or mercantile establishment where persons are employed who are affected by the provisions of this chapter.

Surety for costs.

SEC. 14. The inspectors created by section three of this chapter shall not be required to give surety nor personal recognizance for costs.

[The following sections were added to this chapter by chapter 708:]

Enforcement of law as to hours of labor.

SECTION 1. The factory inspectors created under section 3 of chapter 68 of the General Laws shall, in addition to their duties therein provided, enforce the provisions of section 22, chapter 198, of the General Laws, and of any acts in amendment thereof and in addition thereto, and may prosecute all violations of the same before any court of competent jurisdiction in the State.

Surety for costs.

SEC. 2. The said factory inspectors shall not be required to give surety nor personal recognizance for costs in making complaints in accordance with the provisions of section 1 of this act.

CHAPTER 108.—*Fire escapes on factories, etc.*

Fire escapes to be provided.

SECTION 1. Every building three or more stories in height, now or hereafter used wholly or in part as a seminary, college, academy, schoolhouse, hospital, asylum, hotel, lodging house for the accommodation of transient guests, factory or workshop in which employees are usually working in the third or any higher story thereof, and every building used for office purposes three or more stories in height, shall be provided by the owner or owners thereof either with proper and sufficient, strong and durable, metallic fire escapes upon the external walls, sufficient in number, which fire escapes shall extend from the highest occupied story to the top of the first story of said building, or with proper and sufficient incombustible stairs and stairways at opposite ends of the building, extending from the highest occupied story to the ground; said stairs and stairways shall be connected by open passageways of suitable width; said fire escapes, stairs and stairways to be suitable and sufficient to afford to persons within said building proper egress from said building in case of fire therein, and to be kept in repair by said owner or owners.

Inspectors.

SEC. 2. The town councils of the several towns throughout the State, and the mayors of the several cities, except in the city of Providence, shall annually in the month of January elect an inspector of buildings, who shall be paid such amount for his services as shall be determined by the town or city council electing him.

Duty of inspectors.

SEC. 3. It shall be the duty of the inspectors of buildings of the city of Providence and of the other cities and towns, from time to time as may be necessary, to make a careful and thorough inspection of all buildings in the city or town for which they shall be elected, which in their opinion might, by reason of the height thereof, character or number of stairways, number of persons ordinarily therein or at work therein, nature of use of said buildings, nature of the industries or occupations carried on therein, or for any other reason, be specially dangerous to persons therein in case of conflagration in said buildings.

Buildings may be exempted.

SEC. 5. Said inspectors of buildings shall have power within their respective towns and cities, upon the application in writing of any owner or owners of any building in said town or city, setting forth specific, just and true reasons why said building should be exempted from the provisions of this chapter, to exempt by written certificate, setting forth the reasons therefor, any building from the provisions of this chapter, whenever in the opinion of said inspector said building, by reason of location, special features of construction, or for any other reason, does not require said fire escapes or said stairs and stairways: *Provided, however*, That such written application, together with a duly certified copy of such certificate of exemption, shall by said inspector be deposited with the city or town clerk for said city or town, to be kept on file by said city or town clerk: *And provided further*, That such exemption may at any time be revoked by the inspector of buildings of said city or town upon thirty days' notice in writing to the owner or owners of said building.

Certificate of inspection.

SEC. 6. Whenever the inspector of buildings for any city or town shall upon inspection be satisfied that any building in said town or city is provided with fire escapes or with stairs and stairways, in accordance with the provisions of this chapter, he shall upon request of any owner of said building give to such owner a certificate to that effect, and shall deposit a certified copy thereof in the office of the city or town clerk for said city or town, to be kept on file by said city or town clerk. Such certificate, including any unexpired certificate hereto-

fore issued, shall exempt the owners of said building from all civil and criminal liability under this chapter until revoked as hereinafter provided: *Provided, however,* That such certificate may be at any time revoked by the inspector of buildings for said town or city, by notice in writing to such owner to whom said certificate may have been issued, and by filing a copy of said notice of revocation with the said city or town clerk, to be by said city or town clerk kept on file: *And provided further,* That in case said building shall be materially changed or altered in form or use, then such certificate shall be utterly void and of no effect. It shall be the duty of the several city and town clerks to receive and keep on file the notices and certificates provided for in this chapter.

Owners may enter leased premises.

SEC. 7. The owner or owners of any building or premises under lease, and their servants and agents, may enter upon such leased building or premises for the public welfare, for the purpose of making said building conform with the provisions of this chapter, and may remain thereon during such time as may reasonably be required for the performance of such work as may be necessary to effect said purpose, interfering with the lessee no more than may be necessary.

Damage

SEC. 8. In all cases in which any person shall suffer injury or in which the death of any person shall ensue in consequence of the failure of the owner or owners of any building to provide the same with fire escapes or stairs and stairways, as required by the provisions of this chapter, or in consequence of the failure of said owner or owners to comply with the written notice and requirement of any inspector of buildings, when made in conformity to the provisions of this chapter, such owner or owners shall be jointly and severally liable, to any person so injured, in an action of trespass on the case for damages for such injury; and in case of death such owner or owners shall be jointly and severally liable in damages for the injury caused by the death of such person, to be recovered by action of trespass on the case, in the same manner and for the benefit of the same persons as is provided in sections fourteen and fifteen of chapter two hundred thirty-three; which action, when the owners are nonresidents, may be commenced by attachment. It shall be no defense to said action that the person injured, or whose death ensued as aforesaid, had knowledge that any such building was not provided with fire escapes or stairs and stairways as required by the provisions of this chapter, or that such person continued to work in or to occupy said building with said knowledge.

Penalty.

SEC. 9. The owner or owners of any building, or in case such owners, or any of them, be non compos mentis, or a minor, the guardian of any such owner, or in case such owners, or any of them, be nonresident, the agent of any such owner having charge of such property, who shall neglect or fail to comply with the foregoing provisions of this chapter shall be fined not less than one hundred dollars nor more than five hundred dollars. In case there shall be several owners of any building which shall be continued in violation of said provisions of this chapter, proceedings may be had against any or all of them jointly, or against any one of them, for the recovery of such fine.

Board of appeal.

SEC. 10. The mayor of each of the cities in the State shall, in the month of April, in the year eighteen hundred and ninety-seven, and in the month of April in each third year thereafter, appoint three competent men, two of whom at least shall be an architect or master mechanic, as a board of appeal from the actions or decisions of the inspector of buildings in such city, as hereinafter provided, to hold their offices for three years, and until others are appointed and qualified in their stead; and any two members of such board for the time being shall form a quorum for the transaction of its business; and any vacancy, from any cause, may be filled by the mayor at any time, or from time to time, as occasion may require. And in the several towns of the State, the town council shall constitute such board of appeal from the inspector of buildings of the town.

Appeal from ruling of inspector.

SEC. 11. Any person aggrieved by the refusal of the inspector of buildings to give his certificate of exemption under section five, or his certificate of compliance with the provisions of this chapter under section six, of this chapter, may appeal therefrom to such board of appeal, in the city or town of such inspector, by filing with such inspec-

tor, within three days thereafter, written notice of such appeal, and by filing with the city or town clerk, within three days after such notice, his reasons of appeal in writing, specifying the subject-matter of such appeal, and paying to the clerk fifty cents for filing the same.

Proceedings in appeal.

SEC. 12. Upon the filing of such reasons of appeal, the clerk shall enter the name of the appellant, with a general description of the building and its location referred to therein, in a book to be by him kept for that purpose; and shall thereupon, pursuant to such general rules as may be adopted by the board of appeal regulating their proceedings, or, in the absence of such rules, by his special order, of which special order he shall immediately give notice to the members of the board, fix a time and place for hearing such appeal, and shall indorse the same in writing upon such reasons of appeal; and the parties thereto and the inspector shall be bound to take notice thereof. And at the time and place so fixed, or at any adjournment thereof, such board of appeal, after hearing such of the parties as see fit to attend, and their allegations and evidence, and after inspecting the premises, shall make their determination in respect thereof in writing, to be filed with such clerk; and such determination shall be final, and the clerk's certificate of such determination shall have the same effect, for all purposes of this chapter, as if given by such inspector at the time of the application to him for the same. And if such appeal shall be from the inspector's refusal to give his certificate of exemption or compliance aforesaid, and such board of appeal shall concur in such refusal, they shall then also determine what they require to be done to entitle the appellant to such certificate; and upon the appellant's compliance with such requirement, such certificate shall be issued to him by such inspector.

Neglect to give certificate.

SEC. 13. The inspector's neglect to give his certificate, and file a copy of the same with the city or town clerk within three days after application or request made to him as provided in sections five and six of this chapter, shall be deemed a refusal to give the same for the purposes of such appellate proceedings.

Compensation of board.

SEC. 14. Said board of appeal shall be paid by the city or town such compensation for their services as shall be fixed by ordinance of the city or town council. And the appellant in each case who fails to obtain relief upon his appeal shall pay to the city or town such reasonable costs and charges thereof as the board of appeal shall tax or determine against him. Nothing contained in this chapter shall be construed to relieve any person or any corporation from any liability now existing by virtue of the provisions of this chapter, during the pendency of any appeal, unless said board of appeal shall reverse the decision of said inspector.

CHAPTER 108.—*Inspection of factories, etc.—Elevators.*

Automatic signals.

SECTION 15 (as amended by chapter 973). Every elevator used for conveying persons or goods from one story to another of any building, the well of which elevator is not so protected as to be inaccessible from without while the elevator is moving, shall have attached to it some suitable appliance which shall give automatically, at all times, on every floor of said building which it approaches, a distinct, audible warning signal that said elevator is in motion.

Hoistways to be guarded.

SEC. 16 (as amended by chapter 973). All hoistway and elevator openings through floors where there is no shaft shall be protected by sufficient railings, gates, trapdoors, or other mechanical devices equivalent thereto, and the same shall be kept closed in the nighttime or when not in use. Every passenger elevator, except plunger elevators, shall be provided with some safety arrangement to prevent falling, and every passenger elevator shall be fitted with some suitable device to prevent the elevator car from being started until the door or doors opening into the elevator shaft are closed; and no person under the age of eighteen years shall take charge of or operate any passenger elevator.

Age of operator.

Inspection.

It shall be the duty of every inspector of buildings elected or empowered under the provisions of this chapter to inspect all elevators in every building within his jurisdiction; and it shall be the duty of the factory inspectors appointed or empowered under the provisions of chapter 68 of the General Laws to inspect all elevators in every

building within their jurisdiction in any city or town where there is no inspector of building[s]; and it shall be the duty of said inspectors of buildings and said factory inspectors to notify the lessee and owner or some one of the owners of every building in which an elevator shall be used or operated contrary to the provisions of this and the preceding section, of such violation and require the lessee and owner or some one of the owners of said building, within thirty days after the receipt of such notice, to comply with the provisions of said sections, and it shall be the duty of said lessee and owner or owners to comply with such requirement.

Owner may make alterations.

The owner or owners of any building or premises under lease, and their servants and agents, may enter upon such leased building or premises for the public welfare, with the purpose of making said building comply with the provisions of this and the preceding section, and may remain thereon during such time as may reasonably be required for the performance of such work as may be necessary to effect said purpose, interfering with the lessee no more than may be necessary.

Negligence.

In all cases in which any person shall suffer injury or in which the death of any person shall ensue in consequence of the failure of the lessee or owner or owners of any building to comply with the provisions of this and the preceding section, or in consequence of the failure of said lessee or owner or owners to comply with the written notice and requirement of any inspector of buildings or factory inspector, when made in conformity to the provisions of this and the preceding section, such lessee and owner or owners shall be jointly and severally liable to any person so injured in an action of trespass on the case for damages for such injury; and in case of death such lessee and owner or owners shall be jointly and severally liable in damages for the injury caused by the death of such person, to be recovered by action of trespass on the case, in the same manner and for the benefit of the same persons as is provided in sections fourteen and fifteen of chapter two hundred and thirty-three; which action, when the lessee and the owner are nonresidents, may be commenced by attachment. It shall be no defense to said action that the person injured, or whose death ensues as aforesaid, had knowledge that any elevator was being operated in said building contrary to the provisions of this and the preceding section, or that such person continued to ride in said elevator with said knowledge.

Damages.

Penalty.

The lessee or owner or owners of any building, or in case such lessee or owner, or any of them, be non compos mentis or a minor, the guardian of any such lessee or owner, or in case such lessee or owner, or any of them, be a nonresident, the agent of any such lessee or owner having charge of such property, who shall neglect or fail to comply with the provisions of this and the preceding section shall be fined not less than five dollars nor more than ten dollars for each day that an elevator shall be used or operated in said building contrary to the provisions of this and the preceding section. In case there shall be several such lessees or owners or agents in charge of any building in which an elevator shall be used or operated contrary to the provisions of this and the preceding section, proceedings may be had against any or all of them jointly, or against any one of them, for the recovery of such fine.

ACTS OF 1904.

CHAPTER 1142.—*Inspection of factories—Washrooms, etc., in foundries.*

Toilet rooms, etc.

SECTION 1. Every foundry in this State employing ten or more men shall provide suitable toilet rooms, containing washbowls or sinks, provided with water, water-closets, and a room wherein the men may change their clothes, said rooms to be within the building used for said foundry, and shall be protected from the weather, heated and ventilated.

Violation.

SEC. 2. Any person or corporation failing to comply with section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than fifty nor more than one hundred dollars, one-half thereof to the use of the complainant, one-half thereof to the use of the State.

ACTS OF 1907.

CHAPTER 1429.—*Factories and workshops—Supply of drinking water.*

Water to be provided.

SECTION 1. All manufacturing establishments in this State shall provide fresh drinking water, of good quality, to which their employees shall have access during working hours.

Violations.

SEC. 2. Any corporation, association, firm or person owning, in whole or in part, managing, controlling, or superintending any manufacturing establishment in which the provision of this act is violated shall, upon complaint of the board of health of the city or town, or the town council of the town, in which the establishment is located, be liable to a fine of one hundred dollars for each offense.

SOUTH DAKOTA.

REVISED CODES OF 1903.

Exhaust fans, etc., in smelting and reducing works.

Gases, etc., to be removed.

SECTION 2583. Any person or persons, corporation or companies operating smelters or dry crushing reduction works are hereby required to put in their respective works exhaust fans and dust chambers or some other contrivance for the removal of all gases, fumes, dust and other impurities that accumulate, at all times in the operation of such works.

Penalty.

SEC. 2584. Any person or persons, corporations or companies that shall fail to provide all reasonable safeguards for the protection of life and health of their employees by not putting in their respective works such appliances as provided in the preceding section shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars nor less than five hundred dollars for each offense.

Evidence.

SEC. 2585. Proof of the failure of any such person or persons, corporation or company to comply with the provisions of section 2584 shall be prima facie evidence of negligence on the part of any person or persons, corporation or company.

Enforcement.

SEC. 2586. The State mine inspector is hereby empowered and compelled to visit such works at least once every month to see that the provisions of section 2583 are enforced.

Factories and workshops—Doors to open outwardly—Fire escapes.

Doors to open outwardly.

SECTION 3163. All doors of ingress or egress in all public buildings used for public assemblages of any character in this State, including * * * factories, hotels and all other buildings wherein numbers of persons are employed or are in the habit of meeting together for any purpose, shall be so constructed as to open and swing outward, and doorways shall not be less than four feet in width with proper landings, and stairways of at least equal width. * * *

Misdemeanor.

SEC. 3164. Any person or persons failing to comply with the provisions of section 3163 or who shall build, maintain, or permit to be used, any such building contrary to the provisions of section 3163, shall be deemed guilty of a misdemeanor.

Fire escapes.

SEC. 3165. All factories, * * * which are two or more stories in height, shall be provided by the owners thereof with two or more fire escapes, placed within easy access of the occupants of said building.

TENNESSEE.

ACTS OF 1899.

CHAPTER 401.—*Factories and workshops—Inspection, etc.*

Factory inspector.

SECTION 1. The governor, with the consent and advice of the senate, shall appoint an officer to be known as a shop and factory inspector, who shall hold office for a term of two years or until his successor shall be appointed and qualified: *Provided*, That he may be removed at any time by the governor for cause.

Duties.

SEC. 2. It shall be the duty of the shop and factory inspector to inspect all workshops and factories where machinery is used at least once every six months, and he shall have authority to enter such workshops or factories at all proper times for the purposes of such inspection. He shall, on or before the first day of January of each year, make a report to the governor of the condition as respects safety to life and health of workshops and factories visited by him, and said report shall be printed for the use of the general assembly at its regular sessions. The expense of printing said report shall be paid out of the general appropriation for printing the reports of State officers.

Ventilation, safety appliances, etc.

SEC. 3. All workshops and factories where machinery is used shall be well ventilated and kept as clean as the nature of the business will permit. The belting, shafting, gearing, machinery, and drums of all workshops and factories where machinery is used, when so placed as in the opinion of the shop and factory inspector to be dangerous to persons employed therein while engaged in their ordinary duties, shall, as far as practicable, be securely guarded.

Protection of hatchways, etc.

SEC. 4. The shop and factory inspector may order the opening[s] of all hatchways, elevator wells, and wheel holes upon every floor of any workshop or factory where machinery is used, to be protected by good trapdoors, self-closing hatches, or safety catches or other safeguards such as will insure the safety of the employees in such workshop or factory when engaged in their ordinary duties.

Water-closets.

SEC. 5. Every person, firm, or corporation running or operating any workshop or factory where fifteen or more persons are employed at labor shall provide separate water-closets for males and females, and keep the same in good sanitary condition.

Enforcement.

SEC. 6. It shall be the duty of the shop and factory inspector to enforce the provisions of this act by giving proper notices to the person, firm, or corporation operating or running workshops or factories inspected by him, and also to make complaint to the attorneys-general of the respective districts of all violations of this act.

Penalty.

SEC. 7. Any person, firm, or corporation operating or running any workshop or factory where machinery is used, upon conviction of a violation of this act, shall be fined not less than twenty-five dollars ($25) nor more than one hundred dollars ($100) for each offense: *Provided*, No action shall be taken until after four weeks' notice shall have been given by the shop and factory inspector to any firm, person, or corporation operating or running a workshop or factory of the changes necessary to be made, and not then if in the meantime said changes have been made.

Notices.

SEC. 8. The orders or notices given by the shop and factory inspector shall be written or printed, and signed by him officially, and served by himself or by leaving an attested copy thereof at the usual place of business of the person upon whom service is to be made, and a copy of the same shall be filed in the office of the county court clerk of the county in which the workshop or factory is located, and such copy shall be prima facie evidence that notice was given.

Salary.

SEC. 9 (as amended by chapter 67, Acts of 1901). The salary of said inspector shall be $1,200 per annum, payable monthly on warrant of comptroller, as other salaries are paid.

ACTS OF 1905.

CHAPTER 159.—*Inspection of bakeries.*

Bakeries are factories.

SECTION 1. Chapter 401, of the Acts of 1899 [relating to the inspection of factories, etc.], is hereby amended to make the word "workshop," whenever the same shall appear therein, include bakeries, whether the same be run by machinery or not.

VERMONT.

STATUTES OF 1894.

Inspection of steam boilers.

Who may inspect.

Unsafe boiler.

SECTION 4700. Upon application of three citizens, the selectmen of a town, or the mayor of a city, or any person duly authorized by them, may, after notice to the parties interested, examine any stationary steam engine or steam boiler therein, and, for that purpose may enter any house, shop, or building, and if upon examination it appears probable that the use of such engine or boiler is unsafe, they shall, upon notice to all parties concerned, and hearing, if they judge such engine or boiler to be unsafe, defective, or unfit to be used, issue an order prohibiting the use thereof until it is rendered safe. If, after notice to the owner or person having charge thereof, such engine or boiler is used contrary to such order, such owner or person shall forfeit ten dollars for each day he uses the same, to the use of such town or city, to be recovered in an action on the case.

Fire escapes on factories, etc.

Fire escapes required.

SECTION 4702. The owner or lessee of a building, factory, mill or workshop more than two stories high, in which persons are employed above the second story, shall provide suitable ladders or other safe fire escapes, for the safety of patrons and occupants of such buildings.

Penalty.

SEC. 4703. If the owner, keeper, or lessee of any of the places mentioned * * * neglects to comply with the provisions thereof [in this act], he shall be fined not more than four hundred dollars, and not less than twenty-five dollars.

VIRGINIA.

CODE OF 1904.

Fire escapes on factories, etc.

Fire escapes to be provided.

SECTION 1067a. It shall be the duty of the owner or owners of all factories, workshops, hotels, school buildings, and hospitals in this State of over three stories in height, theaters and public places of amusement to provide for the safe exit of the occupants thereof in case of fire by the erection or construction of fire escapes of the most approved modern design. The character and design of said fire escapes shall, in cities and towns, be selected by the council of said cities and towns; and where the buildings are not located in cities or towns, by the board of supervisors of the county. Any owner or owners of such buildings shall have the right to require the council of the city or town in which said buildings are located, or in the counties the board designated by this act, to make such selection of said fire escapes as is provided by this act; and in case of their failure or refusal they shall be compellable by mandamus. Any owner or owners of such buildings who shall fail to comply with the first section of this act by the first day of January, eighteen hundred and ninety-one, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars nor more than one hundred dollars for each month they shall fail to provide such fire escapes.

WASHINGTON.

ACTS OF 1901.

CHAPTER 74.—*Bureau of labor—Inspection of factories.*

Commissioner of labor.

SECTION 1 (as amended by chapter 83, Acts of 1905). A commissioner of labor shall be appointed by the governor, and said commissioner of labor, by and with the consent of the governor, shall have power to appoint and employ such assistants as may be necessary to discharge

the duties of said commissioner of labor; and said commissioner of labor, together with the inspector of coal mines, shall constitute a bureau of labor. On the first Monday in April in 1897, and every four years thereafter, the governor shall appoint a suitable person to act as commissioner of labor, and as factory, mill and railroad inspector, who shall hold office until his successor is appointed and qualified. Bureau.

SEC. 2. It shall be the duty of such officer and employees of the said bureau to cause to be enforced all laws regulating the employment of children, minors and women, all laws established for the protection of the health, lives and limbs of operators in workshops, factories, mills and mines, on railroads and other places, and all laws enacted for the protection of the working classes, and declaim it a misdemeanor on the part of the employers to require as a condition of employment the surrender of any rights or citizenship, laws regulating and prescribing the qualifications of persons in trades and handicrafts, and similar laws now in force or hereafter to be enacted. It shall also be the duty of officers and employees of the bureau to collect, assort, arrange and present in biennial reports to the legislature, on or before the first Monday in January, statistical details relating to all departments of labor in the State; to the subjects of corporations, strikes or other labor difficulties; to trade unions and other labor organizations and their effect upon labor and capital; and to such other matters relating to the commercial, industrial, social, educational, moral and sanitary conditions of the laboring classes, and the permanent prosperity of the respective industries of the State as the bureau may be able to gather. In its biennial report the bureau shall also give account of all proceedings of its officers and employees which have been taken in accordance with the provisions of this act or of any other acts herein referred to, including a statement of all violations of law which have been observed, and the proceedings under the same, and shall join with such accounts and such remarks, suggestions and recommendations as the commissioner may deem necessary. Duties.

SEC. 3. It shall be the duty of every owner, operator or manager of every factory, workshop, mill, mine or other establishment where labor is employed, to make to the bureau, upon blanks furnished by said bureau, such reports and returns as the said bureau may require, for the purpose of compiling such labor statistics as are authorized by this act, and the owner or business manager shall make such reports and returns within the time prescribed therefor by the commissioner of labor, and shall certify to the correctness of the same. In the reports of said bureau no use shall be made of the names of individuals, firms or corporations supplying the information called for by this section, such information being deemed confidential, and not for the purpose of disclosing personal affairs, and any officer, agent or employee of said bureau violating this provision shall be fined in the sum not exceeding five hundred dollars, or being [be] imprisoned for not more than one year. Duties of owners of factories, etc.

SEC. 4. The commissioner of the bureau of labor shall have the power to issue subpœnas, administer oaths and take testimony in all matters relating to the duties herein required by such bureau, such testimony to be taken in some suitable place in the [vicinity] to which testimony is applicable. Witnesses subpœnaed and testifying before any officer of the said bureau shall be paid the same fees as witnesses before a superior court, such payment to be made from the contingent fund of the bureau. Any person duly subpœnaed under provisions of this section [who] shall willfully neglect or refuse to attend or testify at the time and place named in the subpœna, shall be guilty of a misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine not less than twenty-five dollars or more than one hundred dollars, or by imprisonment in the county jail not exceeding thirty days. Powers of commissioner. Witnesses.

SEC. 5. The commissioner of labor, the coal mine inspector or any employee of the bureau of labor, shall have power to enter any factory, mill, mine, office, workshop or public or private works at any time for the purpose of gathering facts and statistics such as are contemplated by this act, and to examine into the methods of protection from danger to employees, and the sanitary conditions in and around such buildings Access to premises.

and places and make a record thereof, and any owner or occupant of said factory, mill, mine, office or workshop or public or private works, or his agent or agents, who shall refuse to allow an inspector or employee of the said bureau to enter, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, before any court of competent jurisdiction, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the county jail not to exceed ninety days, for each and every offense.

Returns, etc., to be preserved.

SEC. 6. No report or return made to the said bureau in accordance with the provisions of this act, and no schedule, record or document gathered or returned by the commissioner or inspector [shall be destroyed within two years of the receipt or collection] thereof, such reports, schedules and documents being declared public documents. At the expiration of the period of two years above referred to in this section, all records, schedules and papers accumulating in the said bureau that may be considered of no value by the commissioner may be destroyed: *Provided*, The authority of the governor be first obtained for such destruction.

Reports.

SEC. 7. The biennial reports of the bureau of labor, provided for by section 2 of this act, shall be printed in the same manner and under the same regulations as the reports of the executive officers of the State: *Provided*, That not less than five hundred copies of the report shall be distributed, as the judgment of the commissioner may deem best. The blanks and other stationery required by the bureau of labor in accordance with the provisions of this act shall be furnished by the secretary of the State, and shall be paid for from the printing fund of the State.

Salary.

SEC. 8 (as amended by chapter 203, Acts of 1907). The salary of the commissioner of labor, provided for in this act shall be twenty-four hundred ($2,400) dollars per annum, and he shall be allowed his actual and necessary traveling expenses; and any assistant of said commissioner of labor shall be paid for each full day service rendered by him, such compensation as the commissioner of labor may deem proper, but no such assistant shall be paid to exceed four ($4.00) dollars per day, and his actual and necessary traveling expenses.

Consolidation of duties.

SEC. 9. All the powers and duties heretofore exercised by the assistant commissioner of labor and the factory, mill, and railway inspector are hereby devolved on the commissioner of labor.

ACTS OF 1903.

CHAPTER 135.—*Regulation and inspection of bakeries.*

Ventilation, etc.

SECTION 1. All buildings or rooms occupied as biscuit, bread or cake bakeries shall be drained or plumbed in a manner conducive to the proper healthful and sanitary condition thereof, and constructed with air shafts or windows or ventilating pipes sufficient to insure ventilation as the commissioner of labor shall direct, and no cellar or basement, not now used as a bakery, shall hereafter be used and occupied as a bakery and a cellar or basement heretofore occupied as a bakery shall, when once closed, not be reopened for use as a bakery.

Wash rooms.

SEC. 2. Every such bakery shall be provided with a proper wash room and water-closet, or closets, apart from the bake room or rooms where the manufacturing of such products is conducted; and no water-closet, earth closet, privy or ash pit shall be within or communicate directly with a bake shop.

Construction of rooms.

SEC. 3. Every room used for the manufacture of flour or meal food shall be at least eight feet in height, the side walls of such room shall be plastered or wainscoted, the ceiling plastered or ceiled with lumber or metal, and if required by the commissioner or labor, shall be whitewashed at least once in three months; the furniture and utensils of such room shall be so arranged as to be easily moved in order that the furniture and floor may at all times be kept in proper healthful sanitary condition.

Sleeping places.

SEC. 5. The sleeping places for persons employed in a bakery shall be kept separate form [from] the room or rooms where flour or meal food products are manufactured or stored.

Inspection.

SEC. 6. After an inspection of a bakery has been made by the commissioner of labor and it is found to conform to the provisions of this act, said commissioner shall issue a certificate to the owner or operator of such bakery, that it is conducted in compliance with all the provisions of this act, but where orders are issued by said commissioner to improve the condition of a bakery, no such certificate shall be issued until such order and the provisions of this act have been complied with.

Alterations.

SEC. 7. The owner, agent or lessee of any property affected by the provisions of this act, shall, within thirty days after the service of notice upon him, of an order issued by the commissioner of labor requiring any alterations to be made in or upon such premises, comply therewith, or cease to use or allow the use of such premises as a bake shop; such notice shall be in writing and may be served upon such owner, agent, or lessee, either personally or by mail, and a notice by registered letter, postage prepaid, mailed to the last known address of such owner, agent, or lessee shall be deemed sufficient for the purposes of this act.

Notice.

Contagious diseases.

SEC. 8. No employer shall require, permit or suffer any person to work in his bake shop who is affected with tuberculosis, or with scrofulous diseases, or with any venereal disease, or with any communicable skin affection or contagious disease and no person so affected shall work or remain in a bake shop. Every employer is hereby required to maintain himself and his employees in a clean and sanitary condition while engaged in the manufacture, handling or sale of such food products.

Night work of children.

SEC. 9. No employer shall require, permit or suffer any person under sixteen years of age to work in his bake shop between the hours of eight o'clock in the evening and five o'clock in the morning.

Violations.

SEC. 10. Any person who violates the provisions of this act or refuses to comply with the requirements of the commissioner of labor, as provided herein, shall be guilty of a misdemeanor, and on conviction thereof before any court of competent jurisdiction, shall be fined not less than twenty-five nor more than fifty dollars or imprisoned not more than ten days for the first offense; and shall be fined not less than fifty nor more than one hundred dollars and imprisoned not less than ten nor more than thirty days for each offense after the first.

ACTS OF 1905.

CHAPTER 84.—*Inspection of factories, etc.*

Belt shifters, guards, etc.

SECTION 1 (as amended by chapter 205, Acts of 1907). Any person, firm, corporation or association operating a factory, mill or workshop where machinery is used shall provide and maintain in use, belt shifters or other mechanical contrivances for the purpose of throwing on or off belts on pulleys while running, where the same are practicable with due regard to the nature and purpose of said belts and the dangers to employees therefrom; also reasonable safeguards for all vats, pans, trimmers, cut-off, gang edger, and other saws, planers, cogs, gearings, belting, shafting, coupling, set screws, live rollers, conveyors, mangles in laundries and machinery of other or similar description, which it is practicable to guard, and which can be effectively guarded with due regard to the ordinary use of such machinery and appliances, and the dangers to employees therefrom, and with which the employees of any such factory, mill or workshop are liable to come in contact while in the performance of their duties; and if any machine or any part thereof, is in a defective condition, and its operation would be extra hazardous because of such defect, or if any machine is not safeguarded as provided in this act, the use thereof is prohibited, and a notice to that effect shall be attached thereto by the employer or inspector immediately on receiving notice of such defect or lack of safeguard, and such notice shall not be removed until said defect has been remedied or the machine safeguarded as herein provided.

Ventilation.

SEC. 2. Every factory, mill or workshop where machinery is used and manual labor is exercised by the way of trade for the purposes of gain within an inclosed room (private houses in which the employees live, excepted) shall be provided in each workroom thereof with good

and sufficient ventilation and kept in a cleanly and sanitary state, and shall be so ventilated as to render harmless, so far as practicable, all gases, vapors, dust or other impurities, generated in the course of the manufacturing or laboring processes carried on therein; and if in any factory, mill or workshop, any process is carried on in any inclosed room thereof, by which dust is generated and inhaled to an injurious extent by the persons employed therein, conveyors, receptacles or exhaust fans, or other mechanical means, shall be provided and maintained for the purpose of carrying off or receiving and collecting such dust.

Hoistways, etc. SEC. 3. The openings of all hoistways, hatchways, elevators and wellholes and stairways in factories, mills, workshops, storehouses, warerooms or stores, shall be protected where practicable, by good and sufficient trapdoors, hatches, fences, gates or other safeguards, and all due diligence shall be used to keep all such means of protection closed, except when it is necessary to have the same open that the same may be used.

Annual inspections. SEC. 4 (as amended by chapter 205, Acts of 1907). It shall be the duty of the commissioner of labor, by himself or his duly appointed deputy, to examine as soon as may be after the passage of this act, and thereafter annually and from time to time, all factories, mills, workshops, storehouses, warerooms, stores and buildings and the machinery and appliances therein contained to which the provisions of this act are applicable for the purpose of determining whether they do conform to such provisions, and of granting or refusing certificates of approval, whether requested to do so or not.

Requests for inspection. SEC. 5 (as amended by chapter 205, Acts of 1907). Any person, firm, corporation or association carrying on business to which the provisions of this act are applicable, shall have the right to make written request to said commissioner of labor to inspect any factory, mill or workshop, and the machinery therein used, and any storehouse, wareroom or store, which said applicant is operating, occupying or using, and to issue his certificate of approval thereof; and said commissioner of labor by himself, or his deputy, shall forthwith make said inspection. Upon receiving such application, the commissioner of labor shall issue to the person making the same, an acknowledgment that such certificate has been applied for, and thirty days after such acknowledgment, by said commissioner of labor, and pending the granting of such certificate, such acknowledgment shall have the same effect as such certificate, till the granting of such certificate by said commissioner of labor: *Provided*, Said applicant has not been notified by an inspector what alterations or repairs are necessary: *Provided*, The commissioner of labor by himself or deputy shall make such examination annually whether requested to do so or not.

Duty of employees. SEC. 6. Any employee of any person, firm, corporation or association shall notify his employer of any defect in, or failure to guard the machinery, appliances, ways, works and plants, with which or in about which he is working, when any such defect or failure to guard shall come to the knowledge of any said employee, and if said employer shall fail to remedy such defects then said employee may complain in writing to the commissioner of labor of any such alleged defects in or failure to guard the machinery appliances, ways, works and plants, or any alleged violation by such person, firm, corporation or association, of any of the provisions of this act, in the machinery and appliances and premises used by such person, firm, corporation or association, and with or about which such employee is working, and upon receiving such complaint, it shall be the duty of the commissioner of labor, by himself or his deputy, to forthwith make an inspection of the machinery and appliances complained of.

Certificates. SEC. 7 (as amended by chapter 205, Acts of 1907). Whenever upon examination or reexamination of any factory, mill or workshop, store or building, or the machinery or appliances therein to which the provisions of this act are applicable, the property so examined and the machinery and appliances therein conform in the judgment of said commissioner of labor to the requirements of this act, he shall thereupon issue to the owner, lessee or operator of such factory, mill or workshop or to the owner, lessee or occupant of any such storehouse,

wareroom or store, a certificate to that effect, and such certificate shall be prima facie evidence as long as it continues in force of compliance on the part of the person, firm, corporation or association to whom it is issued, with the provisions of this act. Such certificate may be revoked by said commissioner of labor at any time upon written notice to the person, firm, corporation or association holding the same, whenever in his opinion after reexamination, conditions and circumstances have so changed as to justify the revocation thereof. A copy of said certificate shall be kept posted in a conspicuous place on every floor of all factories, mills, workshops, storehouses, warerooms or stores to which the provisions of this act are applicable. If, in the judgment of said commissioner of labor, such factory, mill or workshop, or the machinery and appliances therein contained, or such storehouse, wareroom or store does not conform to the requirements of this act, he shall forthwith, personally or by mail, serve on the person, firm, corporation or association opeating [operating] or using such machinery or appliances, or occupying such premises, a written statement of the requirements of said commissioner of labor, before he will issue a certificate as hereinbefore provided for; said requirements shall be complied with, within a period of thirty days after said requirements have been served as aforesaid and thereupon the said commissioner of labor shall forthwith issue such certificate; but if the person, firm or corporation operating or using said machinery and appliances or occupying such premises shall consider the requirements of said commissioner of labor unreasonable and impracticable or unnecessarily expensive, he may within ten days after the requirements of said commissioner of labor have been served upon him appeal therefrom or from any part thereof, to three arbitrators to whom shall be submitted the matter and things in dispute, and their findings shall be binding upon said applicant and upon the commissioner of labor. Such appeal shall be in writing, addressed to the commissioner of labor and shall set forth the objections to his requirements, or any part thereof, and shall mention the name of one person who will serve as the representative of said applicant calling for arbitration. Immediately upon the receipt of such notice of appeal, it shall be the duty of the commissioner of labor to appoint a competent person as arbitrator resident in the county from which such appeal comes, and to notify such person so selected, and also the party appealing stating the cause of the arbitration, and the place, date and time of meeting. These two arbitrators shall select the third, and as soon thereafter as practicable, give a hearing on the matters of said appeal, and the findings of these arbitrators by a majority vote, shall be reported to the commissioner of labor, and to the applicant, and shall be binding upon each. The expense of such arbitration shall be borne by the party calling for the arbitration; and if said arbitrators sustain the requirements of said commissioner of labor or any part thereof, said applicant shall within thirty days, comply with the findings of said arbitrators, and thereupon said commissioner of labor shall issue his certificate as hereinbefore provided (in section four of this act), but if said arbitrators shall sustain such appeal or any part thereof, the same shall be binding upon said commissioner of labor; and any such person, firm, corporation or association shall within thirty days, after the finding of the board of arbitrators, comply with the requirements of the commissioner of labor, as amended by said arbitrators, if so amended as herein provided for, and thereupon said commissioner of labor shall forthwith issue to any such person, firm, corporation or association, his certificate as provided for in section four of this act: *Provided, however,* That before any certificate shall be issued by said commissioner of labor as provided for in this act, the person, firm, corporation or association which has complied with the provisions of this act, shall pay to the commissioner of labor of the State of Washington, an annual fee of ten dollars (provided that any person, firm, corporation or association, employing not to exceed five persons in said factory, mill or workshop shall pay a fee of five dollars), and take his receipt therefor: *It is further provided,* That the withholding of such certificate shall not excuse such person, firm, corporation or association from obtaining the same and paying the required inspection fee, and the person, firm, corporation or association inspected shall likewise be civilly liable for such inspection fee.

Copy to be posted.

Appeals.

Fees.

Upon presentation of said receipt to said commissioner of labor, or his deputy, he shall forthwith issue said certificate as in this act provided. Said fee shall entitle the person, firm, corporation or association paying the same, to any and every inspection of any factory, mill, workshop, storehouse, wareroom or store, and the machinery and appliances contained therein, owned and operated by the party paying said fee, that may be necessary, for a period of one year subsequent to its payment; and all moneys collected for licenses and fines, under the provisions of this act, shall be paid into the State treasury and be converted into a special factory inspection fund, from which special fund shall be paid the deputy factory inspectors required to enforce the provisions of this act. Said deputy factory inspectors shall be paid from the special factory inspection fund, upon the presentation of vouchers properly signed by the labor commissioner in the same manner in which other employees of the State are paid.

Fund.

Violations.

SEC. 8. Any person, firm, corporation or association who violates or omits to comply with any of the foregoing requirements or provisions of this act, and such violation or omission shall be the proximate cause of any injury to any employee, shall be liable in damages to any employee who sustains injuries by reason thereof: *Provided*, The amount of damages which any one person may recover in an action for or on account of injuries received by reason of any alleged violation of any of the provisions of this act, is hereby expressly limited to the sum of seven thousand five hundred dollars.

Liability.

Action.

SEC. 9. No action for the recovery of compensation for injury under this act shall be maintained unless notice of the time, place and cause of injury is given to the employer within six months, and the action is commenced within one year, from the occurrence of the accident causing the injury. The notice required by this section shall be in writing, signed by the person injured, or by some one in his behalf; but if from mental or physical incapacity it is impossible for the person injured to give the notice within the time provided in this section he may give the same within ninety (90) days after such incapacity is removed, and in case of his death without having given the notice because of mental or physical incapacity, his executor, or administrator may give such notice within thirty days after his appointment.

Construction of statute.

SEC. 10. Nothing in this act contained shall prevent any person from bringing an action under any other statute or act or at common law for any personal injuries received by him; and in that event the certificate provided for herein shall not be admitted in evidence in such suit or action.

Penalty.

SEC. 11 (as amended by chapter 205, Acts of 1907). Any person, firm, corporation or association who violates or fails to comply with any of the provisions of this act or to pay for and obtain the certificate of inspection shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Act to be posted.

SEC. 12. A copy of this act, together with the name and address of the commissioner of labor, printed in a legible manner, shall be kept posted in a conspicuous place on each floor of every factory, mill, workshop, storehouse, wareroom or store, and at the office of every public and private work to which the provisions of this act are applicable, upon the same being supplied to the operators, owners, lessee, or occupants, of such places with sufficient copies thereof by the commissioner of labor.

WEST VIRGINIA.

CODE OF 1899.

Bureau of labor.

(Page 1057.)

Bureau created.

SECTION 1. There * * * is hereby created a State bureau of labor, to be under the control and management of a commissioner to be known as the State commissioner of labor, who is to be appointed as hereinafter provided.

Commissioner.

SEC. 2. The governor shall, with the advice and consent of the senate, appoint a competent person, who is identified with the labor interests of the State, to be State commissioner of labor, who shall hold his office * * * for a term of four years and until his successor is appointed and qualified. * * *

Salary, etc.

SEC. 3. The commissioner of labor * * * shall receive an annual salary of $1,200 for his services. The commissioner of labor is hereby authorized to employ such assistance and incur such expenses as may be necessary to carry into effect the purposes of this act; but such assistance and expenses shall not exceed $1,200.

Duties.

SEC. 4. It shall be the duty of the commissioner of labor to collect, compile and present to the governor, in annual report, statistical details relating to all departments of labor and the industrial interests of the State, especially in relation to the financial, social, educational and sanitary condition of the laboring classes, and all statistical information that may tend to increase the prosperity of the productive industries of the State. He shall, once at least in each year, visit and inspect the principal factories and workshops of the State; and shall, upon complaint and request of any three or more reputable citizens, visit and inspect any place where labor is employed and make true report of the result of his inspection.

Powers.

SEC. 5. The commissioner of labor shall have power, in the discharge of his duties, to enter and inspect any public institution of the State and any factory, workshop or other place where labor is employed. He may furnish a written or printed list of interrogatories, asking information essential to a proper discharge of his duties, to any person, company or corporation employing labor, and require full and complete answers thereto. And if any person, or the officers of any company or corporation shall neglect or refuse to answer, within a reasonable time, any proper question propounded to him by the commissioner of labor; or if any person or the officers of any company or corporation to whom a list of interrogatories has been furnished, shall neglect or refuse to fully and truthfully answer and return the same, such person or such officer of such company or corporation shall be deemed guilty of a misdemeanor. The commissioner of labor shall report to the prosecuting attorney of the proper county all such violations of this act; whereupon said prosecuting attorney shall proceed against the persons guilty thereof, as in other cases of misdemeanor; and any person or any officer or any company or corporation, convicted in such proceedings shall be fined not less than ten dollars nor more than fifty dollars, or shall be confined in the county jail not less than ten nor more than ninety days, or shall be both fined and imprisoned within the above limits.

Answers to inquiries.

CHAPTER 19.—*Factories and workshops—Inspection, etc.*

Guards for machinery.

SECTION 1. In all manufacturing, mechanical and other establishments, in this State, where the machinery, belting, shafting, gearing, drums and elevators, are so arranged and placed as to be dangerous to persons employed therein, while engaged in their ordinary duties, shall be safely and securely guarded when possible, and if not possible, the notices of the danger shall be conspicuously posted in such establishments, and no minor or female of any age shall be permitted to clean any of the mill gearing or machinery in such establishments while the same is in motion.

Cleaning moving machinery.

Hatchways.

SEC. 2. The opening of all hatchways, elevators and wellholes, upon each floor of every manufacturing, mechanical, mercantile or public building in this State, shall be protected by good and sufficient trapdoors, self-closing hatches, or strong guard rails at least three feet high. All due vigilance shall be used to keep such trapdoors closed at all times, except when in actual use.

Wash rooms, etc.

SEC. 3. In every factory, workshop or establishment, in this State, where females are employed, where unclean work of any kind has to be performed, suitable places shall be provided for such females to wash and to change clothing, and stairs in use by females shall, in all such establishments, be properly screened, and separate water-closets shall be provided for the use of employees of either sex, in all manufacturing,

mechanical, mercantile and other establishments in this State where persons of both sexes are employed.

Seats for female employees.

SEC. 4. In every manufacturing, mechanical, mercantile and other establishments, in this State, wherein females are employed, there shall be provided, and conveniently located, seats sufficient to comfortably seat such females; and during such times as such females are not necessarily required by their duties to be upon their feet, they shall be allowed to occupy the seats provided.

Sanitation.

SEC. 5. And all establishments, to which this act applies, must be kept in a clean condition; the sanitary and hygienic regulations shall be such as will not endanger or be injurious to the lives or health of the employees employed therein.

Penalty.

SEC. 6. Any person or persons, firm or corporation of any manufacturing, mechanical, mercantile or other establishments, business or calling, in this State, to which this act applies, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, in any court of competent jurisdiction in this State, shall be fined not less than twenty dollars nor more than one hundred dollars, and in default of payment of such fine shall be imprisoned until such fine and costs are fully paid.

Enforcement.

SEC. 7. It shall be the duty of the commissioner of labor or his assistant to enforce the provisions of this act, and to prosecute all violations of the same before any magistrate or court of competent jurisdiction in this State.

CHAPTER 76.—*Fire escapes on factories.*

Fire escapes to be erected.

SECTION 1. Every building or structure in this State of three or more stories in height, used as a factory or workshop, and in which ten or more persons are employed above the first story, or any hotel three or more stories in height, or any other building of more than three stories in height occupied or used as a tenement house, shall be provided with one or more suitable and substantial metallic fire escapes or ladders, reaching from the top of the first story to the cornice, and placed on the outside of the building. At each story above the first there shall be one or more metallic balconies substantially attached to the building and to the fire escape. Such fire escapes and balconies shall be in number, size, capacity, design and location as shall be necessary to furnish reasonable means of escape to all persons employed in the building in case of fire.

Duty of owner.

SEC. 2. It shall be the duty of the owner of every such building to equip the same as hereinbefore provided, within six months after the passage of this act. And thereafter no building as is described in the first section shall be used as a factory or workshop in which ten or more persons are employed above the first story, or a hotel three or more stories in height, until the same is so equipped. The word "owner" as used in this section shall include the person in whom is vested the legal title to the building.

Enforcement.

SEC. 3. It shall be the duty of the mayor, the sergeant or chief of police, and the fire marshal of every city, town or village, annually to inspect every such building therein as described in the first section. They shall make inspection of any such building at any other time that they deem proper, and shall promptly make inspection of any such building whenever complaint thereof may be made to them in writing by any person. They shall serve written notice upon the owner, or his agent, of every such building not so provided with adequate fire escapes to provide the same within thirty days thereafter. It shall be the duty of the owner of such building to comply with such notice and to provide such adequate fire escapes within thirty days thereafter.

Violation.

SEC. 4. Any such owner violating any of the provisions of this act shall be subject to a fine of not less than one hundred dollars ($100), nor more than two hundred dollars ($200), which may be recovered before any justice or court having jurisdiction. Each week of failure to comply with the notice mentioned in section three shall be deemed a separate and distinct offense. And in addition, if any such owner shall fail for the space of sixty days after the receipt of such notice to

provide adequate fire escapes, the building may be declared a nuisance in the manner prescribed in section twenty-eight of chapter forty-seven of the code of West Virginia. If any officer shall fail to perform any duty required of him by this act, or shall violate any of its provisions, he shall be fined not less than twenty-five dollars ($25), nor more than fifty dollars ($50), to be recovered before any justice or court having jurisdiction.

WISCONSIN.

ANNOTATED STATUTES OF 1898 AND SUPPLEMENT OF 1906.

CHAPTER 46a.—*Bureau of labor and industrial statistics.*

SECTION 1021b. The bureau of labor and industrial statistics, heretofore established, is continued. A room or rooms in the capitol shall be set apart for the use thereof, and such printing shall be done for and such supplies furnished the same as may be necessary for the performance of the duties devolved upon the officers thereof. Bureau continued.

SEC. 1021c. A commissioner of said bureau shall be appointed by the governor, with the advice and consent of the senate, for the term of four years from the first Monday of February in the year of his appointment. Vacancies shall be filled for the unexpired term. Commissioner.

SEC. 1021d. The commissioner may appoint a deputy, who, when acting for or instead of the commissioner, shall have equal authority with him. He may also appoint a clerk, a clerk and typewriter operator, a factory inspector, an assistant factory inspector and a clerk and janitor. The factory inspector shall be a resident of Milwaukee, and he and the assistant inspector shall perform their duties under the direction of the commissioner. * * * Assistants.

The commissioner of labor and industrial statistics shall have power to appoint ten suitable persons as assistant factory inspectors who shall perform their duties under his direction and who may be removed by him for cause. Appointment.

The factory inspector or assistant factory inspector having inspected any factory or mercantile establishment under his jurisdiction shall, at the time such inspection is made, issue a certificate or statement as to how the factory laws were complied with at the time of his inspection. Certificates of inspection.

Each of the said assistant factory inspectors shall be paid a salary at the rate of one thousand dollars per annum together with necessary traveling expenses to be paid out of money in the general fund not otherwise appropriated. Salary.

The commissioner of labor and industrial statistics shall have power to appoint one assistant factory inspector in addition to those now authorized by law who shall be a woman and who shall perform her duties under his direction and who may be removed by him for cause. Female inspector.

Said additional assistant factory inspector shall be paid a salary at the rate of one thousand dollars per annum, together with necessary traveling expenses to be paid out of money in the general fund not otherwise appropriated. Salary.

SEC. 1021e. Said commissioner shall collect, collate and publish statistical and other information relating to the manufacturing interests, industrial classes and material resources of the State; he shall especially examine into the relations between labor and capital, the means of escape from, and the protection of life and health in, factories and workshops, the employment of children, the number of hours of labor exacted from them and from women, the educational, sanitary, moral and financial condition of laborers and artisans, the cost of food, fuel, clothing and building material, the causes of strikes and lockouts, and other kindred subjects pertaining to the welfare of the industrial interests and classes. Duties.

SEC. 1021f. The commissioner, his deputy, the factory inspector and the assistant factory inspector may enter any factory, mercantile establishment or workshop in which laborers or women are employed, for the purpose of obtaining facts and statistics, examining the means of escape therefrom in case of fire and the provisions made for the health and safety of operatives or for suitable seats for Access to factories etc..

Notice.

women therein. If any such officer shall learn of any violation of or neglect to comply with the law in respect to the employment of children, the hours of labor for them or for women, or in reference to fire escapes or the safety of employees, or such seats for women, he shall give written notice to the owner or occupant of such factory, mercantile establishment or workshop, of such offense or neglect, and if the same is not remedied within thirty days after the service of such notice, such officer shall give the district attorney of the county in which such factory, mercantile establishment or workshop is situated, formal notice of the facts, whereupon that officer shall immediately institute the proper proceedings against the person guilty of such offense or neglect.

Powers of inspectors.

SEC. 1021h (as amended by chapter 112, Acts of 1907). Any officer of the bureau may post in any factory or workshop examined by him the laws relating to the employment of children therein, hours of labor, fire-escapes or other matters pertaining to the health and safety of artisans; any person who shall remove or mutilate such laws so posted shall be fined fifty dollars for each offense. Any such officer may order bull wheels, fly wheels, tumbling rods, elevator wells, stairways, shafting or dangerous machinery of any kind to be inclosed or otherwise guarded so as to protect workmen or others; and any person refusing to obey the written order of such officer to such effect shall be fined fifty dollars for each such refusal. Any person who shall remove any guard or other safety device from bull wheels, fly wheels, tumbling rods, elevator wells, stairways, shafting or dangerous machinery, while such bull wheels, fly wheels, tumbling rods, elevators, stairways, shafting or dangerous machinery is in motion or use, and shall neglect or fail to replace such safety device before permitting such bull wheels, fly wheels, tumbling rods, elevators, stairways, shafting or dangerous machinery to be put in motion or use shall be fined not less than five dollars nor more than fifty dollars or by imprisonment in the county jail not to exceed thirty days, or both, for each such offense. It shall be the duty of such officers to examine freight and passenger elevators and to condemn those found to be defective and unsafe by serving written notice on the person for whom it is being operated or on his agent, or by posting such notice on the walls or cab of any elevator found to be in an unsafe condition; the owner of any elevator so condemned, or the person for whom it is being operated, shall, by continuing the use thereof without making such repairs as will place it in a safe condition, be liable, civilly and criminally, for any physical injury caused by such use, whether such injury results in the death of the person injured or not. It is also the duty of such officers, when in their judgment it may be necessary, to see that in every manufacturing establishment, the machinery in which is propelled by steam or other power, communication, by means of speaking tubes or electric bells, shall be provided between each room in which machinery so operated is placed and the room in which engineer is stationed. Any person occupying as owner, lessee or manager any manufacturing establishment where machinery so operated, is used, or controlling the use of any building or room in which machinery propelled by steam is used, who shall fail to provide such means of communication shall be fined not less than ten dollars nor more than fifty dollars but no prosecution shall be commenced for such violation until thirty days after written notice has been given by one of the officers designated in this chapter to such person of the changes necessary to be made to comply with the provisions hereof, nor then, if, in the meantime, changes have been made in accordance with such notice.

Removing guards, etc.

Duty of district attorney.

SEC. 1021l. Whenever any officer of the bureau of labor and industrial statistics shall give written notice to any district attorney that any hotel, factory, public building or any other structure in his county is being used without fire escapes, watchmen or other means of safety prescribed by law, including means of communication between the rooms of manufacturing establishments as prescribed in section 1021h, such district attorney shall at once institute the proper proceeding against the offender, and without the aid or presence of any such officer do all that may be necessary to secure a determination of the

guilt or innocence of the person complained of; and in case such district attorney shall refuse or neglect so to do any officer of such bureau may file charges against him and demand his removal from office.

CHAPTER 73a.—*Factories and workshops—Inspection, etc.*

Overcrowding.

SECTION 1636j. No person or corporation shall employ and put to work in any factory, workshop or other place where labor is performed, or in any part of any such place, a larger number of persons than can be kept at work there without doing violence to the laws of health. The local board of health shall have power to determine any question arising under this provision, and its written determination shall be conclusive upon all parties to any action or proceeding under the same. The owner or manager of every place where persons are employed to perform labor shall surround every stationary vat, pan or other vessel into which molten metal or hot liquids are poured or kept with proper safeguards for the protection of his employees, and all belting, shafting, gearing, hoists, fly wheels, elevators and drums therein which are so located as to be dangerous to employees in the discharge of their duty shall be securely guarded or fenced. Any person or corporation which shall neglect for thirty days after the receipt of written notice from the State factory inspector to provide a suitable place for the persons employed by him to work in or who shall fail to make and maintain such safeguards as this section requires and as said inspector shall specify, shall forfeit not to exceed twenty-five dollars for each offense, and every day's neglect or failure, after a conviction hereunder, shall constitute a separate offense.

Guards for machinery, etc.

Failure to guard machinery dangerous to an employee engaged in his ordinary duties is a violation of this act and is negligence per se. 73 N. W. Rep. 563.

The statute does not require every place to be guarded that might possibly cause injury, but only such places as are dangerous to employees engaged in the discharge of their duties. 86 N. W. Rep. 153.

A plaintiff guilty of contributory negligence can not recover, even if defendant has failed to cover his gears. 89 Wis. 523.

Whether machinery is so located as to be dangerous to employees is a question for the jury. 95 Wis. 482.

Actions for injuries.

SEC. 1636jj. In any action brought by an employee or his legal representative to recover for personal injuries, if it appear that the injury was caused by the negligent omission of his employer to guard or protect his machinery or appliances, or the premises or place where said employee was employed, in the manner required in the foregoing section, the fact that such employee continued in said employment with knowledge of such omission shall not operate as a defense.

Fire escapes on factories, etc.

Required on what buildings.

SECTION 1636–4. * * * every building now or hereafter used, in whole or in part, as a * * * place of public resort more than two stories high and containing above the ground floor * * * workrooms * * * all or any of which rooms are designed for occupancy by twenty-five or more persons, shall be provided with one or more fireproof stairways or ladders on the outside thereof, placed in such position and as many in number as may be designated by the chief of the fire department or fire marshal of the village or city in which the building is located, or by the State factory inspector. If more than one stairway or ladder is required, each side of such * * * building now or hereafter used, in whole or in part as a * * * place of public resort shall be provided herewith [therewith]. Such stairways or ladders shall connect the cornice with the top of the first story of any such building, by a wrought iron platform, balcony, piazza or other safe and convenient resting place on a level with the floor of each story so connected, and of sufficient length to permit access to the same from not less than two windows of each story; they shall be convenient of access from the interior of the building, commodious in size and form and of sufficient strength to be safe for the purpose of ascent and descent.

Construction.

Standpipes.

In cities and villages where there is a water supply for fire purposes, there shall be attached to such stairs or ladders a three-inch

wrought iron standpipe extending from a point within five feet of the ground to a point three feet above the roof or cornice[.] at each story above the first and on the roof there shall be attached a two and one-half inch angle hose valve with male hose connection, and a double or Siamese "Y" female hose connection at the base of the pipe, with threads to conform to the size and pattern used by the fire department where the building is located.

Elevator shafts.

SEC. 1636–5. The inside walls or casings of every elevator used for the conveyance of passengers to and from the upper stories of any such building as is [described] within the preceding section, shall be constructed of fireproof material throughout.

Enforcement.

SEC. 1636–7. It shall be the duty of the commissioner of labor, factory inspector, assistant factory inspector, chief or marshal of the fire department of every city or village to enforce the provisions of the foregoing sections. Any person who shall fail to comply with the provisions of said sections within ninety days after being notified in writing to do so by either of said officers whose duty it may be to give notice, shall be punished according to law. Said commissioner of labor, factory inspector, assistant factory inspector, chief or marshal upon receiving notice or obtaining knowledge that any person within his jurisdiction has not so complied with said provisions, shall file a written statement to that effect with the proper district attorney, which, being done, he shall prosecute such person.

Penalty.

SEC. 1636–8. The owner, tenant or other person in charge of any building within either of the four next preceding sections, who shall fail or neglect, after a written notice has been given him in accordance with the next preceding section, to comply with any of the provisions of said sections, which are applicable to the building owned, leased or in his charge, shall be deemed guilty of a misdemeanor and be punished by a fine not exceeding one thousand dollars or by imprisonment in the county jail not longer than ninety days.

Inspection of factories, etc.

Water-closets, etc.

SECTION 1636–31. Every factory, mill, or workshop, mercantile or mechanical establishment or other building where eight or more persons are employed, shall be provided within reasonable access, with a sufficient number of water-closets, earth closets, or privies for the reasonable use of the persons employed therein, and whenever male and female persons are employed as aforesaid together, water-closets, earth closets or privies separate and apart, shall be provided for the use of each sex, and plainly so designated, and no person shall be allowed to use such closet or privy assigned to the other sex. Such closet shall be properly inclosed and ventilated and at all times kept in a clean and good sanitary condition. When the number employed is more than twenty of either sex, there shall be provided an additional closet for such sex up to the number of forty, and above that number in the same ratio. The commissioner of labor or any factory inspector may require such changes in the placing of such closets as he may deem necessary and may require other changes which may serve the best interest of morals and sanitation.

Dressing-rooms.

SEC. 1636–32. In factories, mills or workshops, mercantile or mechanical establishments or other places where the labor performed by the operator is of such a character that it becomes desirable or necessary to change the clothing, wholly or in part, before leaving the building at the close of a day's work, separate dressing rooms shall be provided for females whenever so required by the commissioner of labor or any factory inspector. It shall be the duty of every occupant, whether owner or lessee of any such premises used as specified by this act, to make all the changes and additions thereto. In case such changes are made upon the order of the commissioner of labor, or any factory inspector to the lessee of the premises, the lessee may at any time within thirty days after the completion thereof, bring an action against any person or corporation or partnerships having interest in such premises, and may recover such proportion of expenses of making such changes and additions as the court adjudges should justly and equitably be borne by such defendant.

Dust and fumes.

SEC. 1636–33. If in any of the aforesaid places, any process is carried on, by which dust or fumes is caused, which may be inhaled by the persons employed therein, or if the air should become exhausted or impure, there shall be provided a fan or such other mechanical device, as will substantially carry away all such dust or fumes or other impurities.

Sanitation.

SEC. 1636–34. All of the aforesaid places shall be kept clean and free from effluvia arising from any drain, privy or nuisance, and shall be ventilated and kept in a sanitary condition. The commissioner of labor or any factory inspector may require such changes or additions to be made in any of the aforesaid places as will promote the best measures of sanitation.

Violations.

SEC. 1636–35. Any owner, lessee or any person or corporation having charge of any of the aforesaid buildings or places, who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars and not exceeding one hundred dollars.

Inspection of factories—Blowers for grinding machines.

Blowers to be provided.

SECTION 1636–39 (added by chapter 115, Acts of 1907). All persons, companies or corporations operating any factory or workshop where grinding machines or grinding wheels, emery wheels or emery belts of any description are used, * * * either solid emery, leather, leather covered, felt, canvas, linen, paper, cotton, or wheels or belts rolled or coated with emery or corundum or cotton wheels used as buffs, shall, when deemed necessary, by the factory inspector, assistant factory inspector, or any officer of the bureau of labor, provide such wheels or belts with blowers or similar apparatus, which shall be placed over, beside or under such wheels or belts in such manner as to protect the person or persons using the same from the particles of the dust produced and caused thereby, and to carry away the dust arising from or thrown off by such wheels or belts while in operation, directly to the outside of the building or to some receptacle placed so as to receive and confine such dust: *Provided*, That grinding machines upon which water is used at the point of grinding contact and other wheels used for tool grinding shall be exempt from the provisions of this act. * * *

Defective wheels.

SEC. 1636–40. No emery wheels or grindstone in any factory, mill or workshop, shall be used when the same is known to the person using the same to be cracked or otherwise defective, nor operated at a greater speed than indicated or guaranteed by the manufacturer of such emery wheel or grindstone.

Appliances to be used.

SEC. 1636–41. It shall be the duty of any person, company or corporation operating any such factory or workshop to provide or construct such appliances, apparatus, machinery or other things necessary to carry out the purpose of this act, as set forth in the preceding section, as follows: Each and every such wheel shall be fitted with a sheet or cast-iron hood or hopper, of such form and so applied to such wheel or wheels that the dust or refuse therefrom will fall from such wheels, or will be thrown into such hood or hopper by centrifugal force, and be carried off by the current of air into a suction pipe attached to same hood or hopper.

Dimensions.

SEC. 1636–42. Each and every such wheel six inches or less in diameter shall be provided with a three-inch suction pipe; wheels six inches to twenty-four inches in diameter, with four-inch suction pipe; wheels from twenty-four inches to thirty-six inches in diameter, with five-inch suction pipe; and all wheels larger in diameter than those stated above shall be provided each with a suction pipe not less than six inches in diameter. The suction pipe from each wheel, so specified, must be full size as to the main trunk suction pipe, and the main suction pipe to which smaller pipes are attached shall, in its diameter and capacity, be equal to the combined area of such smaller pipes attached to the same, and the discharge pipe from the exhaust fan connected with the suction pipe or pipes shall be as large, or larger than the suction pipe.

Air pressure.

SEC. 1636–43 (added by chapter 115, Acts of 1907). It shall be the duty of any person, company or corporation operating any such fac-

tory or workshop to provide the necessary fans or blowers to be connected with such pipe or pipes, as above set forth, which shall be running at a rate of speed as will produce a velocity of air in such suction or discharge pipes of * * * sufficient suction or pressure of air equal to raising a column of water not less than five inches high in a U-shaped tube. All branch pipes must enter the main trunk pipe at an angle of forty-five degrees or less; the main suction or trunk pipe shall be below the emery or buffing wheels, and as close to the same as possible, and to be either upon the floor or underneath the floor on which the machines are placed to which such wheels are attached. All bends, turns, and elbows in such pipe must be made with easy, smooth surfaces, having a radius in the throat of not less than two diameters of the pipe on which they are connected.

Construction.

Application of law.

SEC. 1636–44. The provisions of sections 4 and 5 [sections 1636–42 and 1636–43, above] shall not apply to existing mills, factories or workshops which, at the time of the passage of this act, have an appliance or appliances designed and used for the purpose of removing such dust from the polishing room, and which said appliance or appliances substantially effect such design.

Enforcement.

SEC. 1636–45. It shall be the duty of every factory inspector of this State, or his deputies to enter any factory or workshop in this State during working hours, and upon ascertaining the facts that the proprietors or managers of such factory or workshops have failed to comply with the provisions of this act, to make complaint of the same in writing before a justice of the peace or police magistrate having jurisdiction, who shall thereupon issue his warrant, directed to the owner, manager or director, in such factory or workshop, who shall be thereupon proceeded against for the violation of this act as hereinafter mentioned, and it is made the duty of the prosecuting attorney to prosecute all cases under this act.

Penalty.

SEC. 1636–46. Any such person or persons or company, or managers, superintendents or directors of any such company or corporation, who shall have the charge or management of such factory or workshop, who shall fail to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction shall be punished by a fine of not less than twenty-five dollars, and not exceeding one hundred dollars.

Regulation and inspection of bakeries.

Construction.

SECTION 1636–61 (added by chapter 486, Acts of 1907). 1. All buildings occupied for bakeries and confectionery establishments, and all buildings or rooms for storage of goods that are intended to be used in the preparation of the products of such establishment or for storage of the products of such establishments shall be well drained and all plumbing therein shall be constructed in accordance with well-established sanitary principles and of good workmanship, and the rooms thereof used for the manufacture, storage or sale of bread and other food products or for the storage of goods that are intended to be used in the preparation of such bread and other food product shall be light, dry and airy. The air within such bakery or confectionery establishment shall at all times be kept pure and free from harmful odors and noxious gases. The room or rooms used for the manufacture or storage of bread and other food products in bakeries and confectionery establishments shall have floors and side walls so constructed as to exclude rats, mice and other vermin, and said floor and side walls shall at all times be free from moisture and kept in a good state of repair. Said floor shall have a smooth surface and be impermeable and may be constructed of wood, cement or tile laid in cement. But no floor shall be constructed in a room used for the manufacture of * * * bread and other food products in bakeries and confectionery establishments where the floor of said room is more than eight feet below the level of the street, sidewalk or adjacent ground. The walls and ceiling of such rooms used for the manufacture or storage of bread * * * or other food products, or for the storage of goods that are intended to be used in the preparation of such bread and other food products shall be whitewashed at least as often as once in six months and the floors, utensils and furniture of such rooms as are used for the

manufacture, storing or sale of said food products and the wagons used for the delivery of said food products shall at all times be kept in a sanitary, clean condition. The furniture and utensils of such rooms shall also be so arranged so that the same can be easily and perfectly cleaned. No room used as a bakery shall be used for any other purpose.

Cleanliness.

2. No food shall be prepared in any unclean manner or near any filthy object in any bakery or confectionery establishment, or by any person wearing filthy clothing, nor by any person afflicted with a loathsome disease. No goods that are decayed, or have been contaminated nor any goods to which vermin have had access, or which vermin have partly consumed or devoured, nor goods which have become unclean in any manner shall be used in the preparation of any product of a bakery or confectionery establishment. No person shall befoul any room or any utensil used in the preparation of food in any bakery or confectionery establishment.

Sanitary provisions.

SEC. 1636–62 (added by chapter 486, Acts of 1907). No water-closet, earth closet, privy or ash pit shall be within or communicate directly with the bake room or any other room used in the manufacture of bread * * * or other food products in any bakery or confectionery establishment. The sleeping places for workmen employed in bakeries or confectioneries shall be separate and distinct from the places used in the manufacture of bread or other food products. While engaged in the manufacture of bread or other * * * food products the workmen in bakeries or confectioneries shall provide themselves with caps and slippers or shoes and an external suit of coarse linen, used for that purpose only, and these garments shall at all times be kept in a clean condition. All bakeries and confectioneries shall be provided with ample toilet facilities apart from the utensils used in the preparation of said foods to enable the workmen employed therein to keep their persons clean. Said bakeries and confectioneries shall also be provided with a separate dressing room to enable the workmen to change their clothes and keep the same in a proper condition.

SEC. 1636–63 (added by chapter 486, Acts of 1907). After the passage of this act no new bakery or confectionery establishment shall be established or operated in a room the floor of which is more than five feet below the level of the street, sidewalk or adjacent ground, nor in any room the ceiling of which is less than eight feet high from the floor and no bake shop nor confectionery shall be reopened in such a room where the same has not been used for a period of over six months.

Infectious diseases.

SEC. 1636–64. No person shall work or be employed in or about any bakery or other establishment for the manufacture of food products during the time in which a case of infectious disease exists in the house in which [he] resides not [nor] thereafter until the local board of health issues a certificate in writing that no danger of public contagion would result from the employment of said person in such establishment.

SEC. 1636–65 (added by chapter 486, Acts of 1907).

* * * * *

License.

No building, room or apartment shall be used for the purpose of establishing a bakery or confectionery establishment for the manufacture of bread and other food products, unless a license is secured as provided in this act. Application for a license shall be made to the commissioner of labor and industrial statistics by any person, firm or corporation desiring to establish or conduct a bakery or confectionery for the manufacture of bread and other food products. Such application shall be made in such form as the commissioner of labor may determine. Blank applications shall be prepared and furnished by the commissioner of labor.

If the commissioner of labor and industrial statistics or bakery inspector, ascertain that such building, room or apartment is in clean and proper sanitary condition, and otherwise conforms to all provisions of this act, and that bread and other food products may be manufactured therein under clean and sanitary conditions, he shall grant a license permitting the use of such building, room or apartment for the purpose of making bread and other food products. The license so issued shall be revoked ipso facto upon a second conviction of any violation or failure to comply with any of the provisions of this act.

Enforcement.

SEC. 1636–66 (added by chapter 486, Acts of 1907). It shall be the duty of the State bureau of labor and boards of health, both State and local, to see that the provisions of this act are enforced and the commissioner of labor shall appoint a proper and competent person to act as bakery inspector for two years, who shall perform his duties under the direction of the said commissioner. The State factory inspector or any assistant State factory inspector shall have the same power as the bakery inspector. The said bakery inspector shall receive a salary of * * * twelve hundred dollars per annum * * * and necessary * * * expenses incurred in the performance of his official duties, to be paid out of the general fund not otherwise appropriated.

Bakery inspector.

Violations.

SEC. 1636–67 (added by chapter 486, Acts of 1907). Any person who shall engage in or continue in the operation of a bakery or confectionery establishment after this act shall take effect without first procuring a license so to do, as provided by this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or both. Any person who violates or fails to comply with any other provision of this act after thirty days' notice in writing has been served upon, or sent through registered mail to, the owner, manager or officer operating such establishment, by an officer or inspector of the bureau of labor or some officer or agent of the board of health, of any change necessary to be made to comply with the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than twenty dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than ninety days, or both: *Provided, however*, That nothing in this section shall be so construed as to prevent immediate prosecution, without notice, for any violation of the provisions of subdivision 2 of section 1636–61 as created by this act.

Factories and workshops—Sweat shops.

License required.

SECTION 1636–71. No room or apartment in any tenement or dwelling house or in a building situated in the rear of any tenement or dwelling house, shall be used for the purpose of manufacturing, altering, repairing or finishing therein, for wages or for sale, any coats, vests, knee pants, trousers, overalls, cloaks, hats, caps, suspenders, jerseys, blouses, dresses, waists, waistbands, underwear, neckwear, knit goods of all kinds, furs, fur trimmings, fur garments, skirts, shirts, purses, feathers, cigarettes, cigars or umbrellas, unless a license is secured therefor as provided in this act.

Application for such a license shall be made to the commissioner of labor and industrial statistics by any family or a member thereof or any person, firm or corporation, desiring to manufacture, alter, repair or finish any such articles in any room or apartment in any tenement or dwelling house or by any person, firm or corporation desiring to perform such work in any building in the rear of any tenement or dwelling house. Such application shall describe the room or apartment, shall specify the number of persons to be employed therein, and shall be in such form as the commissioner of labor and industrial statistics may determine. Blank applications shall be prepared and furnished by the commissioner of labor and industrial statistics. Before any such license is granted, an inspection of the room, apartment, or building sought to be licensed, must be made by the commissioner of labor and industrial statistics, factory inspector or assistant factory inspector.

Applications.

If the commissioner of labor and industrial statistics, factory inspector, or assistant factory inspector, ascertain that such room, apartment or building, is in a clean and proper sanitary condition, and that the articles specified in this section may be manufactured therein under clean and healthful condition[s], he shall grant a license permitting the use of such room, apartment or building for the purpose of manufacturing, altering, repairing or finishing such articles. Each license shall state the maximum number of persons who may be employed in the room or rooms to which such license relates.

Air space.

The number of persons to be so employed shall be determined by the number of cubic feet of air space contained in each room or apartment

mentioned in such license, allowing not less than two hundred and fifty cubic feet for each person employed between the hours of six o'clock in the morning and six o'clock in the evening, and unless by a special written permit of the commissioner of labor and industrial statistics, factory inspector, or assistant factory inspector, not less than four hundred cubic feet for each person employed therein between the hours of six in the evening and six in the morning, but no such permit shall be issued unless such room or apartment has suitable light at all times during such hours, while such persons are employed therein.

Such license must be posted in a conspicuous place in the room or apartment to which it relates. It may be revoked by the commissioner of labor and industrial statistics, factory inspector or assistant factory inspector, if the health of the community or of the employees requires it, or if it appears that the rooms or apartments, to which such license relates, are not in a healthy and proper sanitary condition.

Every room or apartment in which any of the articles named in this section are manufactured, altered, repaired or finished, shall be kept in a clean and sanitary condition and shall be subject to inspection and examination by the commissioner of labor and industrial statistics, factory inspector, or assistant factory inspector, for the purpose of ascertaining whether said garments or articles or any part or parts thereof are clean and free from vermin and every matter of infectious or contagious nature. Sanitation.

No person, firm or corporation, shall hire, employ or contract with any member of a family or any person, firm or corporation not holding a license therefor, to manufacture, alter, repair or finish any of the articles named in this section in any room or apartment in any tenement or dwelling house or in any room or apartment in any building, situated in the rear of a tenement or dwelling house as aforesaid; and no person, firm or corporation shall receive, handle or convey to others or sell, hold in stock or expose for sale, any goods mentioned in this section unless made under the sanitary conditions and in accordance with this act.

This section shall not prevent the employment of a tailor or seamstress by any person or family for the purpose of making, altering, repairing or finishing any article of wearing apparel for such person or for family use.

Revocation of license.

SEC. 1636–72. Whenever the commissioner of labor and industrial statistics, factory inspector or assistant factory inspector in his judgment revokes or refuses to grant a license to any person or persons because of the unhealthy or unsanitary conditions in or surrounding the place where any of the aforesaid goods are or are to be manufactured, the person or persons aggrieved by such decision may appeal to the board of health of such city, village or town wherein said license was refused or revoked. The board of health after receiving a written notice of the appeal from the person or persons aggrieved, shall immediately investigate the conditions and surroundings of the place wherein any of the goods are or are to be manufactured as mentioned in the aforesaid, and if they find that a license can be granted without injuring or impairing the public health, then such finding shall be immediately reported in writing to the commissioner of labor and industrial statistics who shall thereupon grant such license.

Separation of workrooms from living rooms.

SEC. 1636–73. The commissioner of labor and industrial statistics, factory inspector or assistant factory inspector, may when he deems it necessary, require that all rooms or apartments used for the purpose of manufacturing, altering, repairing or finishing therein, any of the aforesaid goods or articles as mentioned in section 1 shall be separate from and have no door, window or other opening into any living or sleeping room of any tenement or dwelling and that no such rooms or apartments shall be used at any time for sleeping purposes and shall contain no bed, bedding or cooking utensils. He may further require or direct a separate outside entrance to the room or apartments where the work is carried on, and if such work is carried on above the first floor, then there may be directed a separate and distinct stairway leading thereto and every such room or apartment shall be well and sufficiently lighted, heated and ventilated by ordinary, or if necessary, by mechanical appliance.

Water-closets.

He may also require suitable closet arrangements for each sex employed as follows: Where there are ten or more persons and three or more to the number of twenty are of either sex, a separate and dis-

tinct water-closet, either inside the building with adequate plumbing connections or on the outside, at least twenty feet from the building, shall be provided for each sex. When the number employed is more than twenty-five of either sex, there shall be provided an additional water-closet for such sex up to the number of fifty persons, and above that number in the same ratio, and all such closets shall be kept strictly and exclusively for the use of the employees and employer and [or] employers. All closets shall be regularly disinfected and the commissioner of labor and industrial statistics, factory inspector or assistant factory inspector may require all other necessary changes or any process of cleaning, painting or whitewashing which they may deem necessary, before the issuing of the license.

Register.

SEC. 1636–74. Any person, firm or corporation, by themselves or by their agents or managers, contracting for the manufacturing, altering, repairing or finishing of any of the articles mentioned in section 1 of this act, or giving out material from which they or any part of them are to be manufactured, altered, repaired or finished, shall keep a register of the names and addresses, plainly written in English, of the persons to whom such articles or materials are given to be so manufactured, altered, repaired or finished or with whom they have contracted to do the same. Such register shall be subject to inspection on demand, by the commissioner of labor and industrial statistics, factory inspector or assistant factory inspector, and a copy thereof shall be furnished at his request.

Infectious diseases.

SEC. 1636–75. If the commissioner of labor and industrial statistics, factory inspector or assistant factory inspector find that infectious or contagious diseases exist in a workshop, room or apartment of a tenement or dwelling house or of a building in the rear thereof in which any of the articles specified in section 1 of this act are being manufactured, altered, repaired or finished or that articles manufactured or in process of manufacture therein are infected or that goods used therein are unfit for use, he shall report to the local board of health, and such board shall issue such order as the public health may require. Such board may condemn and destroy all such infectious article or articles manufactured or in the process of manufacture under unclean or unhealthful conditions.

Owner not to permit unlawful use.

SEC. 1636–76. The owner, lessee or agent of a tenement or dwelling house or of a building in the rear of a tenement or dwelling house shall not permit the use thereof for the manufacture, repair, alteration or finishing of any of the articles mentioned in this act contrary to its provisions. If a room or apartment in such tenement or dwelling house or in a building in the rear of a tenement or dwelling house be so unlawfully used, the commissioner of labor and industrial statistics, factory inspector, or assistant factory inspector, shall serve a notice thereof upon such owner, lessee or agent. Unless such owner, lessee or agent shall cause such unlawful manufacture to be discontinued within thirty days after the service of such notice or within fifteen days thereafter, institutes and faithfully prosecutes proceedings for the dispossession of the occupant of a tenement or dwelling house or of a building in the rear of a tenement or dwelling house who unlawfully manufactures, repairs, alters or finishes such articles in any room or apartment therein, he shall be deemed guilty of a violation of this act as if he himself was engaged in such unlawful manufacture, repair, alteration or finishing.

Penalty.

SEC. 1636–77. Any person, firm or corporation, agent or manager of any corporation who whether for himself or for such firm or corporation or by himself or through agents, servants or foremen shall violate any of the provisions of this act shall upon conviction thereof be fined in any sum not less than twenty dollars nor more than one hundred dollars for each offense, or imprisoned not less than twenty or more than sixty days or both, and in all prosecutions brought by or under the direction of the commissioner of labor and industrial statistics for the violation of this act, he shall not be held to give security for costs or adjudged to pay any costs but in all cases where the accused be acquitted or is found to be indigent, the costs shall be paid out of the county treasury of the county in which the proceedings are brought the same as the costs in all other cases of misdemeanor.

Factories and workshops—Cigar factories.

Location. SECTION 1636–101. No shop or place wherein cigars are manufactured shall be located below the ground floor.

Surface space. SEC. 1636–102. Each employee in any shop or place wherein cigars are manufactured, shall, while actually employed, be allowed to use twenty square feet of surface space, unobstructed to the ceiling.

Air space. SEC. 1636–103. Every room wherein cigars are manufactured shall contain at least seven hundred cubic feet of air space. It shall in every part be not less than eight feet in height, from floor to ceiling, every window shall have not less than twelve square feet in superficial area, and the entire area of window surface shall not be less than twelve per cent of the floor space of such room.

Ventilation. SEC. 1636–104. Every room in which cigars are manufactured while work is carried on shall be so ventilated that the air shall not become impure and injurious to the health of the persons employed therein, and it shall wherever necessary, by the means of air shafts or other ventilation, be so changed as to render harmless all gases, dust and other impurities generated in the process of manufacturing cigars. All windows are to be kept open for thirty minutes before working hours and for thirty minutes after working hours.

Cleanliness. SEC. 1636–105. Every such shop or place in which one or more persons are employed and every such factory in which five or more persons are employed, shall be kept clean. The dust must be removed from work tables and floors once every day, the floors scrubbed at least once a week and one cuspidor provided for every two employees.

Hours of labor of minors. SEC. 1636–106. No person under eighteen years of age shall be employed or permitted to work in a cigar shop or a cigar factory at manufacturing cigars for longer than eight hours a day or forty-eight hours a week.

Dressing rooms, etc. SEC. 1636–107. Where men and women are employed there shall be separate dressing rooms and water-closets for the different sexes.

Penalty. SEC. 1636–108. Any person violating any provision of this act shall be punished by fine not exceeding twenty-five dollars and no less than ten dollars for the first offense, and by fine not exceeding fifty dollars, and no less than twenty-five dollars for the second and each following offense.

Enforcement. SEC. 1636–109. The factory inspector shall have full power and it shall be his duty to enforce all the provisions of this act, but no prosecution shall be instituted for any violation of sections 2, 3 and 4 [1636–102, 1636–103, and 1636–104] unless the employer or manufacturer, or the firm has been notified by a notice sent in a registered letter for at least four weeks prior to a prosecution, requiring the necessary changes in the factory or workshop, and such request has not been complied with.

Factories and workshops.

Doors to open outwardly. SECTION 4390. Every building now or hereafter used, in whole or in part, as a * * * factory or workshop * * * must be provided with outer doors that shall open or swing outwardly, and when storm doors are used at the entrance of any such building, either inside or outside, said storm doors shall have a glass therein not less than fifteen inches square, which glass shall be not less than four feet from the floor or approach, unless the commissioner of labor and industrial statistics, the factory inspector or assistant factory inspector in his judgment shall deem it otherwise.

Any owner, tenant, corporation, person or persons in charge of any of the above-named buildings, who shall fail to comply with this section or provide the same with fire escapes according to law, or any architect who shall prepare plans for any building which is required by law to be provided with such doors or with fire escapes, without providing in such plans for the same shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the county jail not longer than ninety days.

Fire escapes. SEC. 4390a. Every person or corporation owning, occupying or controlling any factory, workshop or structure three or more stories high, except such as are included in the next preceding section, in which

twenty-five or more persons are employed at any kind of labor, shall provide and keep connected with the same one or more good and substantial metallic or fireproof ladders, stairs or stairways, ready for use at all times, reaching from the cornice to the top of the first story, and placed on the outside thereof in such position and number as may be designated by the chief of the fire department or fire marshal of the city or village in which such structure is situated, or by the State factory inspector, and at each story above the first a wrought iron balcony in connection with such ladder, such balcony to be substantially attached to the structure, and of such length as to permit of access to it from two or more windows on each story, and of sufficient size to furnish reasonable means of escape to the persons employed therein from each and every floor or story above the first; and in all cities and villages where there is a water supply, either from waterworks, fire engines or pumping station, there shall be attached to such fire escape, except on structures equipped with automatic sprinklers, a three-inch wrought iron standpipe extending from a point within five feet from the ground to a point three feet above the roof or cornice, and on the roof shall be attached a two and one-half inch angle hose valve, with male hose connection and a double or Siamese "Y" female hose connection at the base of the pipe, the threads of which shall conform to the size and pattern used by the fire department where the structure is located. Any such person or corporation who shall fail, for three months after the receipt of notice in writing, stating the substance of the provisions of this section, from such chief, marshal or inspector to provide and keep such means of escape or such standpipe shall be punished by fine not exceeding one hundred dollars.

Standpipes.

RECENT REPORTS OF STATE BUREAUS OF LABOR STATISTICS.

CONNECTICUT.

Twenty-second Annual Report of the Bureau of Labor Statistics, for the year ending November 30, 1906. William H. Scoville, Commissioner. 303 pp.; appendix, 91 pp.

The subjects of inquiry presented in this report are as follows: New factory construction, 43 pages; industrial opportunities, 81 pages; statistics of manufactures, 56 pages; free public employment bureaus, 12 pages; directory of labor organizations, 19 pages; tenement houses, 5 pages; strikes and lockouts, 45 pages; labor laws, 84 pages.

NEW FACTORY CONSTRUCTION.—A list of buildings and additions erected during the year ending July 1, 1906, to be used for manufacturing purposes, is given under this caption. Location, material, dimensions, and cost of construction are set forth for each new structure. In 53 towns of the State 200 manufacturing establishments reported having constructed 329 new buildings and additions to existing structures, with a floor space of 3,718,065 square feet, at a total cost of $3,742,813.

INDUSTRIAL OPPORTUNITIES.—This section of the report presents by towns such industrial opportunities in the State as are not yet utilized. The information was secured from clerks of the various towns of the State, from secretaries or other officials of boards of trade, and from officials and members of business men's associations. Population, area, resources, water supply, transportation facilities, available land for factory sites, etc., of the various towns are given.

STATISTICS OF MANUFACTURES.—This chapter, devoted to statistics of manufactures, consists of a comparison between like data for the fiscal years 1904 and 1906 for 936 identical representative establishments. The data show weekly hours of labor, for 1906; and for both 1904 and 1906, average number of persons employed, amount paid in wages, gross value of product manufactured, and the percentages of increase or decrease in the items in 1906 as compared with 1904. In an analytical summary of the data are given also, for the year 1906, average annual earnings per employee and value of product manufactured for each person employed. Of the more important comparable data for the 936 identical establishments, a summary of that given for the fiscal year 1906 is presented in the table following:

STATISTICS OF MANUFACTURES FOR THE FISCAL YEAR 1906.

Industry.	Establishments.	Average weekly hours of labor.	Average persons employed.	Amount paid in wages.	Average annual earnings per employee.	Gross value of product.	Value of product per employee.
Brass and brass goods	85	58.0	29,090	$15,659,423	$538.31	$85,189,903	$2,928
Carriages and carriage parts	13	58.6	431	313,729	727.91	826,799	1,918
Corsets	11	57.5	5,085	1,997,082	392.74	6,758,974	1,329
Cotton goods	32	59.6	6,901	2,619,360	379.56	7,920,463	1,148
Cotton mills	25	59.9	7,771	2,811,581	361.80	10,045,673	1,293
Cutlery and tools	50	56.4	3,026	1,614,255	533.46	3,570,478	1,180
General hardware	53	57.1	14,057	5,276,523	375.36	13,880,036	987
Hats and caps	45	54.2	3,435	1,893,130	551.13	6,840,285	1,991
Hosiery and knit goods	15	58.3	2,694	1,040,824	386.35	4,179,630	1,551
Iron and iron foundries	54	55.8	7,373	3,936,579	533.92	10,349,072	1,404
Leather goods	10	57.0	318	168,176	528.86	814,771	2,562
Machine shops	121	55.5	12,024	7,300,822	607.19	17,505,082	1,456
Musical instruments and parts	14	58.8	1,629	903,836	554.84	3,713,401	2,280
Paper and paper goods	65	59.7	2,598	1,067,677	410.96	4,507,567	1,735
Rubber goods	19	55.6	6,837	2,963,694	433.48	20,776,996	3,039
Silk goods	31	58.9	7,174	3,196,725	445.60	12,282,499	1,712
Silver and plated ware	33	58.7	5,255	2,898,100	551.49	11,207,726	2,133
Wire and wire goods	24	57.2	2,745	1,380,620	502.96	6,711,307	2,445
Woodworking	45	57.6	1,514	854,804	564.60	2,031,715	1,342
Woolens and woolen mills	56	59.8	6,806	3,039,236	446.55	15,497,110	2,277
Miscellaneous	135	56.9	7,947	3,936,095	495.29	14,794,141	1,862
Total	936	57.2	134,710	64,872,271	481.57	259,403,628	1,926

From the above table it is seen that the industry which paid the greatest average annual earnings per employee was that of carriages and carriage parts, it paying $727.91; while this is followed by machine shops paying $607.19 per employee and woodworking paying $564.60 per employee. The greatest production per employee was in the rubber goods industry, its value being $3,039, followed by $2,928 per employee for brass and brass goods and $2,562 per employee for leather goods.

Comparative statistics for 1904 and 1906 of the 936 identical establishments show in the latter year, as compared with the former, an increase of 8.5 per cent in total average persons employed, of 12.4 per cent in total amount paid in wages, and of 19.7 per cent in total gross value of product.

FREE PUBLIC EMPLOYMENT BUREAUS.—The operations for the year ending November 30, 1906, of the five free public employment bureaus established on July 1, 1901, are set forth in this chapter. Detailed statements are likewise given showing by sex the number and kind of situations secured. A summary of the results for the year covered is given in the following table for the five cities in which the bureaus are located:

OPERATIONS OF FREE PUBLIC EMPLOYMENT BUREAUS FOR THE YEAR ENDING NOVEMBER 30, 1906.

Location.	Applications for situations.		Applications for help.		Positions secured.	
	Males.	Females.	Males.	Females.	Males.	Females.
Hartford	2,047	1,819	1,644	1,679	1,459	1,323
Bridgeport	892	2,048	816	2,298	750	1,787
New Haven	1,039	1,199	770	1,230	717	962
Waterbury	849	1,413	749	1,464	699	1,247
Norwich	232	311	137	345	151	261
Total	5,059	6,790	4,116	7,016	3,776	5,580

During the 65 months from the date of the establishment of the bureaus there were 69,451 applications for situations, 30,659 by males and 38,792 by females. Employers made application for 17,850 male and 38,345 female workers, a total of 56,195 persons. As a result of the operations of the bureaus, 44,925 positions were secured, 16,245 by males and 28,680 by females.

In 1906 there were 41 private employment agencies, located in 13 cities, which were lawfully authorized to transact business.

Labor Organizations.—Including 10 State organizations, in 1906 there were 511 organizations known to have been in existence. During each of the prior seven years the number that reported to the State bureau was as follows: 214 in 1899, 270 in 1900, 340 in 1901, 510 in 1902, 591 in 1903, 524 in 1904, and 508 in 1905. Organizations were found in 43 towns in 1901, in 48 in 1902, in 49 in 1903, in 47 in 1904, in 52 in 1905, and in 52 in 1906. Following the statistical presentation is a list of the unions, grouped by towns, with the name and address of the secretary of each.

Tenement Houses.—In this chapter of the report the bureau presents a brief compilation made from returns filed by the building inspectors of the various cities in which the tenement house act is operative. During 1906, in the 6 cities in which the law is operative, permits were granted for the erection of 439 buildings of the class included within the provisions of the law as follows: Bridgeport 152, Waterbury 105, Hartford 99, New Haven 40, New Britain 39, and Meriden 4.

Strikes and Lockouts.—Under this head are given brief accounts of the labor troubles of the State for the year ending October 31, 1906, and a tabulated statement showing the date, class of labor, name of employer, location, number of employees involved, duration, causes, and results of 62 disputes—60 strikes and 2 lockouts. The number of employees involved in these disputes was 6,604, with a reported loss of time of 160,344 working days and of wages to the estimated amount of $258,153. These disputes took place in 29 towns of the State, and 40 occupations were represented. The assigned cause or object in 26 instances related to increase of wages and in 5 instances to increase of wages combined with some other demand. Of the 62 disputes, the workmen were successful in 25, unsuccessful in 22, partly successful in 4, while 3 were amicably settled or arbitrated and 8 were unsettled at the time of the report.

Labor Laws.—In an appendix to the report are presented the labor laws of the State, comprising those contained in the General Statutes, revision of 1902, and amendments, January sessions, 1903 and 1905.

NEW JERSEY.

Twenty-ninth Annual Report of the Bureau of Statistics of Labor and Industries of New Jersey, for the year ending October 31, 1906. W. C. Garrison, Chief. x, 576 pp.

This report is made up of four parts, in which the subjects following are presented: Statistics of manufactures, 144 pages; steam railroads, 12 pages; cost of living, 21 pages; fruit and vegetable canning, 11 pages; health conditions of the leather tanning industry, 26 pages; apprentice regulations of trade unions, 19 pages; decisions of courts, 16 pages; industrial chronology, 304 pages.

STATISTICS OF MANUFACTURES.—This presentation of the statistics of manufactures is based on returns for the year 1905, secured from 2,018 establishments, 1,942 representing 88 specified industries and 76 grouped as unclassified. None of the establishments considered employed fewer than 10 persons each or had an invested capital of less than $5,000. The facts are set out in eleven tables, which show by industries character of establishment management (whether corporate or private), amount of capital and the various forms in which it is invested, value of stock or materials used and of goods produced, number of wage-earners (men and women, and children under 16 years of age) and wages and earnings, days in operation during the year and hours worked per day and per week, percentage of business done of total productive capacity, and character and measure of power used. Two additional tables show for 35 selected industries the aggregate quantities of specified articles of stock used, with their aggregate cost value, and the aggregate quantities of specified articles of goods made, with their aggregate selling value.

The returns show, that of the 2,018 establishments reporting, 1,197 (in 1,194 of which were 68,471 stockholders) were under the corporate form of ownership and management and 821 (with 1,430 partners and proprietors) were owned and managed by partnerships and private individuals. Capital invested (by 2,007 establishments) showed an aggregate of $521,090,460, value of materials or stock used (by 2,014 establishments) an aggregate of $352,715,022, and value of products or goods made (by 2,010 establishments) an aggregate of $588,069,854. The total paid out in wages amounted to $116,805,243. During the year there was an average of 239,113 wage-earners employed, 173,859 males 16 years of age or over, 58,897 females 16 years of age or over, and 6,357 children under 16 years of age. Under normal conditions, the average number of hours worked per day in the 2,018 establishments was 9.62, and the average number of hours worked per week 55.36. The average number of days in operation during the year was 290.13, and the average proportion of business done of total productive capacity was 79.06 per cent.

The table following presents the number and per cent of males and females 16 years of age or over and of children under 16 years of age employed in 1905 in all industries (2,018 establishments) at each specified weekly rates of wages:

NUMBER AND PER CENT OF MALES AND FEMALES 16 YEARS OF AGE OR OVER AND OF CHILDREN UNDER 16 YEARS OF AGE IN ALL INDUSTRIES (2,018 ESTABLISHMENTS), BY CLASSIFIED WEEKLY RATES OF WAGES, 1905.

Classified weekly wages.	Number.				Per cent.			
	Males 16 years of age or over.	Females 16 years of age or over.	Children under 16 years of age.	Total.	Males 16 years of age or over.	Females 16 years of age or over.	Children under 16 years of age.	Total.
Under $3	1,358	2,454	1,696	5,508	0.7	3.9	23.5	2.1
$3 or under $4	3,524	5,975	3,425	12,924	1.8	9.4	47.6	4.9
$4 or under $5	6,043	10,730	1,509	18,282	3.1	17.0	20.9	6.9
$5 or under $6	6,481	11,884	379	18,744	3.3	18.8	5.3	7.1
$6 or under $7	8,103	10,593	125	18,821	4.2	16.7	1.7	7.1
$7 or under $8	12,917	7,311	50	20,278	6.6	11.6	.7	7.7
$8 or under $9	16,604	4,618	19	21,241	8.6	7.3	.3	8.0
$9 or under $10	28,873	3,780	.....	32,653	14.9	5.9	.....	12.3
$10 or under $12	29,401	3,506	.....	32,907	15.3	5.5	.....	12.5
$12 or under $15	30,900	1,851	.....	32,751	15.9	3.0	.....	12.4
$15 or under $20	33,520	531	.....	34,051	17.3	.8	.....	12.9
$20 or under $25	9,755	51	.....	9,806	5.0	.1	.....	3.7
$25 or over	6,351	10	.....	6,361	3.3	.....	.....	2.4
Total	193,830	63,294	7,203	264,327	100.0	100.0	100.0	100.0

The following comparative table shows for selected industries, for the years 1904 and 1905, the average number of persons employed per industry and the average yearly earnings per employee:

AVERAGE NUMBER OF EMPLOYEES PER INDUSTRY AND AVERAGE YEARLY EARNINGS PER EMPLOYEE, 1904 AND 1905, BY INDUSTRIES.

Industry.	Average employees per industry.		Average yearly earnings per employee.	
	1904.	1905.	1904.	1905.
Artisans' tools	1,887	2,037	$555.46	$543.17
Boilers, steam	2,012	2,249	611.53	472.18
Brewery products	1,958	1,964	861.09	894.37
Brick and terra cotta	5,569	6,742	411.54	448.40
Chemical products	5,423	6,546	487.47	487.49
Cigars and tobacco	6,748	7,223	300.44	316.70
Electrical appliances	2,787	5,462	472.03	510.23
Furnaces, ranges, and heaters	1,613	1,885	691.32	659.50
Glass, window and bottle	5,514	6,263	528.23	539.97
Hats, men	4,707	5,563	529.73	586.47
Jewelry	2,718	3,091	621.75	645.97
Leather, tanning and finishing	4,851	5,616	571.80	523.60
Lamps, electric and other	2,863	2,042	348.16	401.71
Machinery	14,602	19,154	610.18	599.06
Metal goods	5,200	5,654	426.43	471.95
Oils	3,833	3,683	672.13	635.67
Paper	1,767	2,287	505.16	497.34
Pottery	3,777	4,646	602.32	593.91
Rubber products, hard and soft	4,516	5,761	491.45	480.11
Shipbuilding	2,955	3,523	617.59	568.89
Silk goods, broad and ribbon	21,654	22,456	392.42	438.54
Steel and iron, structural	3,015	3,295	537.96	598.08
Steel and iron, forging	2,574	2,569	583.06	615.10
Woolen and worsted goods	8,272	8,531	332.55	373.43
Twenty-four industries	120,815	138,242	492.46	511.06
Other industries	87,711	100,871	436.20	456.58
All industries	208,526	239,113	470.47	488.49

Steam Railroads.—For the year ending June 30, 1906, the 7 railroads in the State employed 42,702 persons for an average of 285 days per person, each working an average of 10.8 hours per day. The total paid in wages amounted to $25,687,890, the average wages per day being $1.98 and the average yearly earnings per employee $563.40. Three of the companies reported the number of employees injured during the year as 1,451, the injuries of 64 resulting in death.

Cost of Living.—This is a continuation of the presentation of previous years, and shows the retail prices of 52 items of food and other commodities in the principal markets in all counties of the State in the month of June, 1906. Comparisons with retail prices in 1905 and in 1898 (the year the investigation was begun) are also given. Taking the list of commodities together, the prices in 1906 as compared with the prices in 1905 showed an increase of 2.6 per cent. The average yearly earnings of wage-earners (male and female) in the factory, mill, and workshop industries of the State were $470.47 in 1905 and $488.49 in 1906, an increase of $18.02, or 3.8 per cent. The increase for the year (1906) in average earnings as compared with the increase in the cost of food supplies is, therefore, seen to be 1.2 per cent in favor of wages. Considering the movement of earnings and of the cost of food supplies during the period 1900 to 1906, it was found that the earnings showed an average yearly increase of 6.0 per cent and the cost of food supplies an average yearly increase of 4.6 per cent, or an increase in favor of wages of 1.4 per cent.

Fruit and Vegetable Canning.—In 1905 there were 39 canneries from which returns were received. Invested capital to the amount of $740,670 was reported by 37, and wages paid to the amount of $353,270 by the 39. The 39 canneries gave employment to 5,216 wage-earners, 1,962 males and 3,254 females. The selling value of the product amounted to $1,582,222.

The Leather Tanning Industry.—In New Jersey in 1905 there were 59 establishments engaged in the leather tanning industry. They represented an invested capital of $12,696,072 and employed an average of 4,851 wage-earners, to whom were paid wages aggregating $2,773,818. In the city of Newark 95 per cent of the industry was concentrated.

While the foregoing figures show the magnitude of the industry the main purpose of the inquiry was to determine the health conditions surrounding the workmen employed in the conversion of "green" hides into tanned, curried, and finished leather. Of the 59 establishments reports were secured from 30 (25 located in Newark and 5 in other cities), which employed 3,491 wage-earners, or 72 per cent of the total number employed in the industry throughout the State. Reports

were secured from individual workmen as well as from the management of the establishments.

The conclusions drawn from the inquiry were that while leather tanning is probably the most conspicuous of the industries to which disagreeable odors are markedly peculiar, experience has proved that the trade is not dangerous or a menace to health and that in large cities, at least, everything possible has been done to mitigate this feature of disagreeable odors. Nor do the various operations of the industry seem to cause a dangerous degree of physical exhaustion, although work in most of the departments involves a considerable amount of exertion which appears to be very trying to the workman's strength, in addition to which most of the processes keep such clothing as he wears constantly wet from the use of water.

Apprentice Regulations of Trade Unions.—This chapter of the report is devoted to a review of the development of trade unionism during the past thirty years, followed by the apprenticeship regulations of unions in New Jersey representing twenty different trades.

Decisions of Courts.—Extracts from recent decisions of the highest courts in New Jersey on cases affecting the interests of labor are reproduced under this caption.

Industrial Chronology.—This record is for the year ending September 30, 1906. During the period there were 483 corporations created with the avowed intention of establishing manufacturing plants in New Jersey, having an aggregate capitalization of $72,407,500; 90 new buildings were erected and equipped for manufacturing purposes and 158 old plants more or less enlarged; 37 industrial plants (none employing fewer than 50 persons) were moved into New Jersey from other States and from three points outside the United States (1 plant from Canada, 1 from France, and 1 from Germany); 14 manufacturing plants (mostly small ones) were permanently closed and 27 closed for a period ranging from two weeks to three months; 111 plants suffered from fire, some being totally destroyed, the losses of 101 reporting that item amounting to $1,712,125, all but a small part of which was covered by insurance; wages were voluntarily increased in 31 establishments and 2 adopted the 8-hour workday, continuing the wages formerly paid for 10 hours in one and 9 hours in the other; 1,274 wage-earners (261 being railroad employees) were injured while at work, of which number 269 (92 being railroad employees) died from the injuries received; 170 strikes and 1 lockout of greater or less duration occurred, 86 strikes being for increase in wages, 9 for reduction of working hours, 15 for increase of wages and reduction of working hours combined, and the remainder for various other causes. There were 46 new labor unions organized during the chronological period covered.

VIRGINIA.

Ninth Annual Report of the Bureau of Labor and Industrial Statistics for the State of Virginia. 1906. James B. Doherty, Commissioner. 318 pp.

The matter presented in this report relates to the following subjects: Industrial statistics, 240 pages; laws and court decisions relating to labor, 70 pages.

INDUSTRIAL STATISTICS.—A series of tables is shown for 41 industries, giving the number of establishments in each industry reporting for the year, the value of product, capital invested, amount paid for wages, rent, taxes, and insurance, number of employees by sex and occupation, monthly pay of persons employed on salary, daily wages paid in the different occupations, by sex, wage changes, number of days in operation, number of hours of daily work for each establishment, and also totals and averages for each industry. For most of the industries comparisons with 1904 are presented. Statistics are also given for coal mining and for the operation of 7 gas works, 20 waterworks, 37 steam railroads, and 22 electric railways.

The following table shows for the years 1904 and 1905, for each of the 21 industries in the State which reported an output in 1905 exceeding $1,000,000, the number of establishments reporting, capital invested, value of product, and aggregate wages paid:

CAPITAL INVESTED, VALUE OF PRODUCT, AND WAGES PAID IN 21 INDUSTRIES 1904 AND 1905.

Industry.	Establishments.		Capital invested.		Value of product.		Wages paid.	
	1904.	1905.	1904.	1905.	1904.	1905.	1904.	1905.
Boots and shoes	4	5	$250,000	$583,000	$1,233,683	$1,520,277	$193,831	$263,301
Breweries	6	7	1,987,679	2,419,337	1,131,849	1,346,956	143,069	168,798
Brick and tile	36	56	(a)	(a)	465,788	1,347,568	(a)	(a)
Carriages and wagons	30	29	669,829	653,053	1,317,974	1,504,505	258,242	270,652
Cigars, cigarettes, and cheroots	48	42	914,478	967,255	4,384,215	5,527,000	1,006,589	1,022,217
Cotton mills	7	9	4,253,580	7,382,580	4,252,442	4,792,511	753,490	974,588
Flour and grist mills	116	205	2,181,981	2,490,338	8,201,910	8,863,711	189,883	251,944
Iron and machine works	44	48	10,706,426	10,799,477	13,933,058	16,714,126	4,923,531	5,644,508
Knitting mills	13	12	550,357	362,061	2,150,065	2,359,965	434,596	449,000
Lime and cement	6	16	1,151,457	1,334,784	681,472	1,210,718	284,447	377,138
Paper and pulp mills	9	9	2,826,525	2,998,306	2,875,128	3,310,594	410,432	430,223
Printing, binding, and engraving	66	81	1,060,154	1,217,094	1,690,131	1,834,025	467,216	541,167
Sash, doors, and blinds	18	22	507,178	608,835	1,119,978	1,311,083	256,759	279,884
Sawmills	152	323	(a)	(a)	4,746,467	6,672,903	1,324,154	2,067,407
Silk mills	3	4	700,390	736,811	1,518,505	2,095,661	156,125	210,209
Staves, heads, and cooperage	36	56	653,562	711,722	1,166,835	1,121,925	334,565	334,253
Tanneries	21	22	3,114,548	2,679,901	5,366,162	5,334,423	373,954	387,182
Tobacco	36	30	2,564,861	2,212,282	7,799,619	7,226,295	772,941	774,176
Trunks and bags	5	6	826,776	908,205	1,714,424	1,828,816	201,946	222,990
Wooden ware, baskets, boxes, and shooks	16	19	1,685,024	1,660,760	3,448,235	3,388,251	719,286	727,157
Woolen mills	13	14	689,867	639,206	870,818	1,040,609	146,085	134,384

(a) Not reported.

Reports from 253 general contractors in the building trades, for the year 1905, showed a volume of business done aggregating $7,143,806, and from 99 firms of plumbers, gas fitters, and tinners a volume of business done aggregating $1,227,867. During the year the coal production of the State amounted to 4,275,271 short tons and gave employment to 5,730 persons.

The report on the 37 steam railroads operating in the State shows for 1905 the average daily wages paid by each road in each occupation and the average daily wages paid by all roads. A similar report is presented for 22 electric railways operating in the State. The following is a summary of the data presented:

AVERAGE DAILY WAGES OF STEAM RAILROAD AND OF ELECTRIC RAILWAY EMPLOYEES, 1905.

Steam railroad employees.	Average daily wages.	Electric railway employees.	Average daily wages.
General clerks	$1.92	General clerks	$1.66
Station agents	1.67	Conductors	1.38
Other station men	1.33	Drivers	1.08
Engineers	4.37	Motormen	1.46
Firemen	2.22	Starters	1.82
Conductors	3.12	Watchmen	1.23
Other train men	1.73	Switchmen	1.57
Machinists	2.67	Road men	.99
Carpenters	1.97	Hostlers	1.13
Other shopmen	1.72	Linemen	1.64
Section foremen	1.64	Engineers	2.17
Other trackmen	1.15	Firemen	1.40
Switchmen, flagmen, and watchmen	1.36	Electricians	1.97
Telegraph operators and dispatchers	1.92	Machinists and mechanics	1.68
Employees, floating equipment	1.46	Other employees	1.21
Other employees and laborers	1.37		

Accidents on steam railroads in the State during 1905 resulted in the death of 77 employees, 5 passengers, and 133 other persons, and in the injury of 1,276 employees, 112 passengers, and 209 other persons. The table following shows the number of persons killed and the number injured in railroad accidents in 1905:

EMPLOYEES, PASSENGERS, AND OTHERS KILLED AND INJURED IN STEAM RAILROAD ACCIDENTS, 1905.

Cause.	Employees.		Passengers.		Others.		Total.	
	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.	Killed.	Injured.
Movement of trains	74	711	5	107	133	201	212	1,019
Other causes	3	565	.....	5	.....	8	3	578
Total	77	1,276	5	112	133	209	215	1,597

Accidents on street railways in the State during 1905 resulted in the death of 4 employees, 2 passengers, and 6 other persons, and in the injury of 16 employees, 143 passengers, and 60 other persons.

Statistics for gas works show ownership, capacity, private and municipal consumption, prices to consumers, number and wages of employees, etc.; and those for waterworks, ownership, cost of works,

capacity, consumption, cost of pumping per million gallons, price to consumers, source of supply, number and wages of employees, etc.

There is a brief report on inspection of factories and investigations touching child labor.

LAWS AND COURT DECISIONS RELATING TO LABOR.—Under this heading are reproduced various laws of the State relating to labor, and decisions of courts as reported by the United States Bureau of Labor.

WASHINGTON.

Fifth Biennial Report of the Bureau of Labor of the State of Washington, 1905–6. Charles F. Hubbard, Commissioner. 355 pp.

Following a general review of labor conditions in the State and the operations of the bureau, the subjects presented in detail are: Recommendations to the legislature, 14 pages; first year of the factory inspection law, 17 pages; violations of labor laws, 23 pages; cost of living, 5 pages; organized labor, 22 pages; statistics of wage-earners, 34 pages; free employment offices, 15 pages; accidents to labor, 10 pages; strikes and lockouts, 30 pages; statistics of manufactures, 51 pages; capital and labor, 29 pages; court decisions and rulings, 17 pages; labor laws, 43 pages.

VIOLATIONS OF LABOR LAWS.—Accounts are given of the infractions of the eight-hour law for labor on public works, the ten-hour law relating to the employment of females, the child-labor law, the bake-shop inspection law, the Sunday closing law for barbers, law prohibiting the payment of wages by time check, etc., together with the action taken by the State labor commissioner on the same.

COST OF LIVING.—Under this caption two tables are presented dealing with the cost of a variety of food commodities which enter into ordinary household consumption. The first table shows the variation in wholesale prices of 68 articles through a period beginning with the year 1900 and ending with the year 1906. The per cent of increase or decrease in the price of each article is shown for each succeeding year and the net variations for the entire period. The second table deals with the retail prices of 55 articles of food for the year 1906.

An examination of the tables reveals a marked tendency toward increase in price of a number of staple articles, although considering the list of commodities as a whole the advance during the period has not been extraordinarily large. Of the 68 articles dealt with in the first table, 23 showed an increase averaging 21 per cent in 1906 over 1900, while in the same period 26 articles showed a decrease averaging 16 per cent. The remaining articles did not vary to any appreciable extent.

ORGANIZED LABOR.—Returns from 45 unions give statistics relative to date of organization, membership; initiation fees and monthly dues; strike, sick, accident, and funeral benefits; wages and hours of labor; rules governing apprenticeship; members idle, etc. As there were in 1904 some 250 duly organized labor unions in the State, with a total membership estimated to approximate 22,500, the above returns, therefore, are believed to represent only about 20 per cent of the unions in the State.

WAGE-EARNERS.—This chapter is devoted to statistics of wage-earners in the employ of mercantile houses, eight steam railroads, nine electric railways, and the Western Union Telegraph Company. The data give number of employees in each occupation, wages per day or per month, hours of labor per day, and days of labor per month. The table following shows the average wages per day of wage-earners in the employ of the steam railroads and of the electric railways:

AVERAGE DAILY WAGES OF STEAM RAILROAD AND OF ELECTRIC RAILWAY EMPLOYEES.

Steam railroad employees.	Average daily wages.	Electric railway employees.	Average daily wages.
Conductors, passenger	$4.65	Conductors, interurban	$3.00
Conductors, freight	3.88	Conductors, freight	3.00
Brakemen, passenger	2.80	Brakemen, passenger	2.20
Brakemen, freight	2.38	Brakemen, freight	2.16
Switchmen, yard	3.11	Motormen, interurban	3.35
Flagmen	1.62	Engineers, freight	3.33
Engineers, passenger	4.50	Engineers, stationary	3.00
Engineers, freight	4.50	Machinists	3.12½
Engineers, switch	3.33	Blacksmiths	3.00
Engineers, stationary	2.20	Blacksmiths' helpers	2.20
Engine hostlers	2.25	Car builders	2.81
Machinists	3.35	Car repairers	2.46
Boiler makers	3.35	Car oilers	2.20
Blacksmiths	3.26	Coach painters	2.37
Blacksmiths' helpers	2.05	Bridge and building carpenters	3.03
Car builders	2.47	Bridge and building helpers	2.25
Car repairers	2.32	Section foremen	2.70
Car oilers	2.05	Section men	2.00
Coaeh painters	2.60	Train dispatchers	3.17
Bridge and building painters	2.53	Telegraph operators	2.25
Bridge and building carpenters	2.75	Telephone operators	1.16
Bridge and building helpers	2.35	Street-car conduetors	2.23
Section foremen	2.08	Street-car gripmen	2.23
Section men	1.55	Street-car motormen	2.23
Freight-house men	2.08	Electricians	2.70
Train dispatchers	4.00	Engineers, stationary	3.20
Telegraph operators and station agents	2.33	Firemen, stationary	2.35
Firemen (N. P. Rwy. only)	2.38		
Electricians	3.15		
Firemen, stationary	2.12		

The average wages per month of operators in the employ of the Western Union Telegraph Company were $68.78, of chief operators $97.15, and of office managers $73.88.

A section of this chapter is also devoted to farm labor and one to convict labor. Of 21 employing farmers, 15 reported paying farm hands $30 per month, 4 as paying $35 per month, and 2 as paying $40 per month.

FREE EMPLOYMENT OFFICES.—During the year 1905 there were 20,965 positions (17,763 for males and 3,202 for females) furnished by the public employment office of Seattle, and for the first nine months of 1906 there were 27,682 positions furnished; for the fourteen months ending September, 30 1906, there were 7,402 positions (6,164 for males and 1,238 for females) furnished by the public employment office of Tacoma, and for the fifteen months ending April 11, 1906, there were 2,899 positions (2,421 for males and 478 for females) furnished by the public employment office of Spokane.

ACCIDENTS TO LABOR.—Reports pertaining to accidents to labor were received from 59 large manufacturing establishments, and cover the last twelve months (year ending August 1, 1905) preceding the practical operation of the State factory-inspection law and the first twelve months (year ending August 1, 1906) following the date of its going into practical effect. During the first year reported, in which the 59 establishments employed a total of 8,588 men, there occurred 16 fatal, 92 serious, and 1,360 slight accidents; during the second year reported, in which the 59 establishments employed a total of 9,447 men, there occurred 15 fatal, 64 serious, and 1,022 slight accidents.

STRIKES AND LOCKOUTS.—Accounts are given of 13 strikes and 1 lockout that occurred in the State during the years 1905 and 1906.

STATISTICS OF MANUFACTURES.—Statistics are presented by counties showing for each of 1,160 establishments city or town in which located, kind of commodity manufactured, daily capacity and output, number of employees by sex, hours of labor per day, days per month and months per year plant was operated, average wages paid males and paid females, and kind of power used. A summary of the data shows that the establishments employed 37,050 working people (34,525 males and 2,525 females), that the daily hours of labor averaged 10.6, and that the daily wages of males averaged $2.57 and of females $1.47. Further, a list of 177 new industrial plants established since January 1, 1905, is given, showing location by county and city or town, kind of commodity manufactured, amount of capital invested, and number of employees required. These plants involved an investment aggregating $4,133,850 and required the employment of 4,136 working people. The chapter closes with a supplemental presentation for the lumber industry of the State.

CAPITAL AND LABOR.—This chapter consists of the reproduction of various papers and addresses bearing on the topic in question.

COURT DECISIONS AND LABOR LAWS.—This comprises decisions and rulings by the supreme court of the State on questions relating to labor, together with a reproduction of the text of the labor laws of the State.

RECENT FOREIGN STATISTICAL PUBLICATIONS.

AUSTRIA.

Arbeiterverhältnisse im Ostrau-Karwiner Steinkohlenreviere. II. Teil. Lebens- und Wohnungsverhältnisse. 1906. Dargestellt vom K. K. Arbeitsstatistischen Amte im Handelsministerium. XXXI, 109, 237* pp.

In 1901 the Austrian bureau of labor statistics made an investigation in regard to the economic and social condition of persons employed in the mines and coking plants in the Ostrau-Karwin coal-mine district. The results of this inquiry have been published in two parts. The first volume appeared in 1904 and relates to the hours of labor, efficiency and earnings of the wageworkers.[a] The second (present) volume relates more particularly to social conditions, and contains data concerning sex, age, conjugal condition, place of birth, literacy, military service, length of employment, loss of time entering and leaving mine, housing conditions, and sickness. Several other subjects are considered, the most important of which deals with the average retail prices of staple provisions in the Ostrau-Karwin district.

The major portion of the volume consists of general tables covering 237 pages, which give in considerable detail the statistical results of the investigation. A number of pages also are devoted to plates showing the plans and dimensions of the various types of houses erected by the several companies for the use of their employees.

The larger part of the text is devoted to facts concerning coal-mine labor. As shown in the report, 32,854 persons were employed in and about the coal mines in the Ostrau-Karwin district on January 1, 1901. Of these, 30,878, or 94.0 per cent, were males and 1,976, or 6.0 per cent, females. Ages were reported for 32,852 persons, of which number 75.3 per cent were 16 to 35 years of age, 3.7 per cent were younger than 16, and 21.0 per cent were older than 35 years.

Fifty per cent of the mine workers were married, 49.2 per cent were single and 0.8 per cent were widowed. Of 16,688 married or widowed work people reporting, 16.5 per cent had no children living at home; 18.1 per cent had 1 child; 19.1 per cent, 2 children; 16.5 per cent, 3, and 12.3 per cent, 4, while 17.5 per cent had 5 or more children.

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[a] Bulletin No. 58, page 968.

The majority of the mine workers (66.6 per cent) had commenced work in the mines in their twentieth year or earlier, 35.1 per cent having begun when 15 years of age or younger. Only 4.4 per cent of the total number entered the occupation of mining after reaching their thirtieth year.

About one-fifth (19.1 per cent) of the number were illiterate, 4.1 per cent could read only, and 76.8 per cent were able both to read and write.

Only 7.5 per cent of the mine workers owned the dwellings they occupied, though a total of 21.3 per cent owned real estate of some sort; 20.3 per cent were living with parents or other relatives; 38.5 per cent occupied rented dwellings, and 33.7 per cent were lodgers in private houses or in the company lodging houses.

The dwellings in most instances were of one or two rooms, 41.8 per cent consisting of only one room and 53.7 per cent of two rooms. On the average there were 5 persons to each dwelling and 3 persons to each room. The monthly rent for quarters in the company houses was in 93.8 per cent of the cases from 3.01 crowns ($0.61) to 6 crowns ($1.22). These quarters as a rule (in 81.5 per cent of the total) consisted of two rooms. On the other hand, only 36.0 per cent of the private houses rented for 6 crowns ($1.22) or less per month, while 27.4 per cent cost from 10.01 crowns ($2.03) to 20 crowns ($4.06) per month, although in 72.8 per cent of all private dwellings they contained but one room.

Lodging in the company houses was also cheaper, costing from 1.01 crowns ($0.21) to 3 crowns ($0.61) per month for 97.2 per cent of the lodgers therein, while in private houses the rates were from 2.01 crowns ($0.41) to 4 crowns ($0.81) for 83.7 per cent of these lodgers.

Similar data to those given above for coal-mine labor are presented for the 2,110 persons employed at the coking plants of the district.

Considerable space in the report is given to the presentation of data relating to sickness and disease among the persons employed in the mines and coke works. Statistics showing the percentage of workmen afflicted with the several leading diseases and the average length of the sickness are presented for the coal and coke workers in the Ostrau-Karwin district in comparison with similar data for the total coal-mine workers and for the aggregate number of persons employed in all branches of the mining industry in Austria.

Data relating to housing conditions are also given in considerable detail. Investigation was made of 417 workingmen's dwellings in private houses in 41 municipalities (*Gemeinde*) in the Ostrau-Karwin district. The data gathered relate to situation of houses, physical condition, dimensions, water supply, outhouses, rent, number of occupants, and number of lodgers. In addition, particularly aggra-

vated cases of overcrowding in a number of localities are described in detail.

From the facts presented it would seem that the private houses available for workmen in the Ostrau-Karwin district are, on the whole, not only small, overcrowded, and of a comparatively high rent, but are also damp, poorly lighted, and altogether very unhealthy. Conditions existing in the company houses, on the other hand, appear in a favorable light, the houses being of comparatively recent construction and in good sanitary condition.

Bericht des K. K. Handelsministeriums über die Förderung des Kleingewerbes in den Jahren 1902 und 1903. 1904. 208 pp.

This volume, issued by the Austrian ministry of commerce, deals with the subject of technical and industrial improvement of the handicraft trades in Austria, and is devoted to an account of the operations of the department relative to this subject during the years 1902 and 1903, with frequent references to its operations during previous years.

The report contains a general review, giving a brief statement of the purposes of the department along the lines of the subject under consideration and the means of attaining these objects, a brief financial statement of the total amounts appropriated and expended for this purpose each year from 1892 to 1903, an outline of the organization and functions of the bureau charged with the technical execution of the work relating thereto, a sketch of the advisory council and its duties pertaining to this subject, and an account of the various factors employed in furthering the interests of the handicraft trades.

The financial statement above referred to shows that the appropriation for the department available for this purpose was 641,960 crowns ($130,317.88) for the year 1902 and 677,300 crowns ($137,491.90) for the year 1903. These amounts were considerably augmented by contributions from the States, cities, boards of trade and commerce, trade unions, and other sources friendly to the cause, aggregating in 1902 the sum of about 400,000 crowns ($81,200) and in 1903 670,000 crowns ($136,010), making a total from all sources for the two years of nearly 2,400,000 crowns ($487,200). Beginning with 1892 the expenditures for this purpose steadily increased from 20,000 crowns ($4,060) in 1892 to 677,300 crowns ($137,491.90) in 1903; for the entire 12-year period they amounted to over 8,000,000 crowns ($1,624,000).

The following are the principal means employed by the department to improve the industrial condition and material interests of the handicraft trades.

1. Expositions of the most approved styles of small motors, machines, and hand tools used in the metal and woodworking trades and in the paper, leather, textile, and clothing industries. These are either of a permanent or temporary character. In Vienna a permanent exposition of this kind has been established under the immediate supervision of the department; in other cities they are generally held in connection with technical institutes or industrial museums, through subsidies granted by the department. Temporary exhibits are usually conducted in connection with industrial expositions arranged by boards of trade or other local organizations, the expenses of these exhibits commonly being shared equally between the department and the managers of the exhibits. From 1892 to 1903, inclusive, exhibits of this character were held in 21 different cities, the sum contributed by the department on this account amounting to 76,000 crowns ($15,428).

2. Courses of instruction in shoemaking, joinery, tailoring, carpentry, tool making, and in galvanic technics have been established at the model workshops at Vienna. Financial assistance is rendered to persons attending these courses, which usually continue from 6 to 12 weeks and are open to skilled master workmen and journeymen who show special aptitude for becoming proficient instructors in their respective branches. It is intended to extend these courses from year to year to other branches of industry. From 1895 to 1903, inclusive, the sum of 295,513.35 crowns ($59,989.21) was appropriated for financial assistance to persons attending the courses, the total number of recipients during this period being 1,803. In addition to the regular courses established at the model workshop at Vienna, briefer courses are occasionally arranged for other localities where the need is felt for such instruction. They are conducted by experts in their respective branches detailed from the department for this purpose and are open to all master workmen and journeymen who desire to avail themselves of the opportunity to improve their technical and practical knowledge. From 1892 to the close of the year 1903 the department had instituted 199 of such courses, with a total attendance of 5,031 persons.

3. Trade associations and similar organizations are given opportunities to rent and purchase motors, machinery, working tools, etc., from the department at cost price on installment payments running from 3 to 10 years, without interest charges on deferred payments. The value of the labor auxiliaries thus acquired by trade associations and similar organizations from 1892 to 1903 amounted to 700,000 crowns ($142,100) and included 117 motors, 317 woodworking machines, 211 metal-working machines, 328 machines for shoemakers, tailors, and hat makers, 110 machines for the textile trades, and 51 machines for other trades.

Other measures employed by the department for the improvement of handicraft trades are the making of loans to trade associations for the purchase of raw material, the organization of exhibits of apprentice work, the establishment of apprentice homes, and the award of contracts for army and post-office supplies.

An appendix contains tables giving a list of the organizations which have acquired motors, machines, etc., from the department, with a description of such machines, their value, and the terms upon which they were acquired, and a list of the associations which have secured loans from the department, the year of their registration, the purpose for which obtained, the amount of the loans, and remarks relative to their repayment.

Die Lage der Werkstättenarbeiter der K. K. Staatsbahnen. Herausgegeben vom K. K. Arbeitsstatistischen Amte im Handelsministerium. 1906. 119 pp.

This report forms the second part of a series of studies on the economic condition of employees of the Austrian State railways. The first part appeared in 1905 in a report concerning watchmen, gate keepers, switchmen, and track walkers, a digest of which was published heretofore.[a]

The information contained in this report is based upon an investigation conducted by the Austrian railway department in 1901 with regard to the number of persons employed in the railway workshops, their occupation, age, length of service, hours of labor, wages and earnings, insurance and relief, bonuses, and family conditions. Copies of the schedules of inquiry and the laws governing the employment of persons in the Austrian State railways are given in detail in the appendix to the report. The data relate to conditions existing in the year 1901, especially with reference to December 31 of that year. Two of the three schedules used were filled out by the heads of the workshops and the third by the workmen themselves.

The total number of workshops included in the investigation was 45, of which 13 were main shops and 32 repair shops. The total number of employees enumerated on December 31, 1901, was 9,848, of whom 4,399 were on the permanent rolls, 5,154 were on the temporary rolls, and 295 were apprentices.

The majority (69.4 per cent) of the employees (excluding apprentices) were over 20 years or under 40 years of age, while 24.8 per cent were over 25 years or under 30 years. Of the total number of employees (excluding apprentices) 41.7 per cent had been employed more than 1 year or under 5 years, while 20.4 per cent had served more than 5 or under 10 years.

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[a] Bulletin No. 59, page 329.

The Labor Code (*Arbeitsordnung*) provides that the normal working day shall consist of 10 hours, of which 5 shall be in the morning and 5 in the afternoon, with an interval at noon of at least 1 hour. The working-day may not ordinarily be extended more than 2 hours, and, if so extended, a rest period of 15 minutes in addition to the interval at noon must be given. In extraordinary cases, however, when the state of the work demands it, the overtime work may be more than 2 hours, but an increase in the period between working shifts proportional to the overtime work must be given. One workshop employing 775 workmen was found in which the length of the working-day was only 9½ hours. In many instances the rest period at noon was 30 minutes longer than is required by law, while in 4 shops the intermission was fully an hour longer than required.

Night work was regularly carried on in only 3 shops, in 2 of which the power for the illumination of the railway stations was generated.

The average gross earnings per day of each permanent workman is shown for the several localities. Total or gross earnings include regular salary, increase in salary, rent allowance, traveling pay, overtime pay, bonuses because of location (*Ortszulagen*), and prizes. The average gross earnings per day were highest in Vienna—5.44 crowns ($1.104)—and lowest in Olmütz—3.98 crowns ($0.808).

The great majority of the workmen employed by the day (98.4 per cent) received from 1.51 to 4.50 crowns ($0.307 to $0.914) per day; 34.8 per cent received from 2.51 to 3.00 crowns ($0.51 to $0.609), and 25.5 per cent of the total number received from 3.01 to 3.50 crowns ($0.611 to $0.711).

Day workmen, like the permanent employees, are allowed traveling pay for employment away from home and premiums for discovering breaks or defects in the rolling stock and for fuel economy. In addition, they are given 200 crowns ($40.60) upon the expiration of 25 years continuous service. For each hour employed in overtime work the day workman receives 25 per cent more than for each hour of the normal working-day.

The average gross earnings per day of day workmen were highest in Vienna—3.53 crowns ($0.717)—and lowest in Olmütz—2.84 crowns ($0.577)—while for the entire country they were 3.16 crowns ($0.641), as compared with 4.91 crowns ($0.997) for permanent employees.

An apprentice in the railway workshops after serving a probationary period not exceeding three months is paid 0.60 crowns ($0.122) for each day's work. This amount is gradually increased, and it is possible for him to earn as much as 2.30 crowns ($0.467) per day at 18 years of age. On December 31, 1901, 55 per cent of the apprentices were receiving from 0.51 to 1.00 crown ($0.104 to $0.203) per day, while 40.2 per cent were earning from 1.01 to 1.50 crowns ($0.205 to $0.305).

The report also shows the maximum and minimum wages paid to day workmen in the Government shops, in comparison with the general scale of wages in the several localities. The occupations for which data are presented are those of machinist, blacksmith, boiler maker, carpenter, and turner. It was found that, on the whole, wages in the Government railway shops were above the general scale, although no account was taken of the amounts received by the Government workmen in the way of overtime pay, traveling pay, prizes, and allowances from the sick benefit and provident funds.

All the employees of the Government railway workshops are obliged by law to become members of the sick benefit fund for the Austrian State railway employees. To this fund each employee must contribute 2 per cent of his salary or wages, and is entitled to receive therefrom all the benefits of the national sick insurance system, with the addition of the following benefits:

(1) Free medical treatment and free medicine for sick wife and children.

(2) An allowance of 12 crowns ($2.436) in case of a birth and 10 to 40 crowns ($2.03 to $8.12) in case of a death in his family.

(3) Sick benefit for 40 weeks to those insured 2 to 5 years and for 52 weeks to those insured for more than 5 years. The amount allowed is 70 per cent of the regular salary or wages if the workman has one or more minor children to support, and 60 per cent if he has none.

(4) Burial expenses of the workman are paid from this fund, the amounts allowed ranging from 60 to 120 crowns ($12.18 to $24.36).

(5) Hospital expenses for a period not to exceed three months.

(6) Treatment at health resorts is also provided by the sick benefit fund.

All of the workshop employees are insured against accidents that occur in the shops by the Accident Insurance Institution for Austrian Railway Employees. The entire expense of the accident insurance is borne by the railway administration.

The pension fund (*Provisionsinstitut*) provides pensions (*a*) for workmen who are incapacitated because of old age or disability; (*b*) for the widows and orphans of deceased workmen. The dues are approximately 4 per cent of the member's earnings. Membership in the fund is now obligatory for permanent employees and is optional for day workmen under 55 years who have completed one year of service in the workshops.

A number of privileges are accorded the employees by the railway administration. In localities where certain supplies are not obtainable or can be purchased only at high prices free transportation to nearby markets is given twice a month to a member of the workman's household. Permanent employees may purchase fuel for the use of

their own household at reduced prices from the railway warehouses. The same privilege is given to day workmen who are members of the pension fund. All permanent employees in the workshops receive each year, free of charge, an outfit of working clothes. Children of workmen who are attending school are provided, whenever necessary, with free transportation to and from school.

Die Organisierte Forstarbeiterschaft der Staats- und Fondsforste. Im Auftrage des K. K. Ackerbau-Ministeriums nach amtlichen Berichten bearbeitet von Dr. Adolf Stengel. 1906. 111 pp.

The chief purpose of this report is to present a general view of the economic and social conditions surrounding the organized workmen employed on the State and private forest lands under the administration of the ministry of agriculture. The term "organized workmen" applies to all workmen who come under the provisions of the Labor Codes (*Dienstordnungen*) and who are entitled to receive sickness, accident, and old-age insurance benefits. Only workmen employed by the month are considered.

The report describes conditions as they existed in 1901, and is divided into four parts, relating, respectively, to the four forestry administration districts of Gmunden, Carniola, Hallein, and Vienna. The first part treats of conditions in the district of Gmunden, and considerable information is given concerning the organization and classification of the forest workers, the conditions of employment, and the nature of their duties.

The working force is recruited almost entirely from the immediate vicinity, and often from the individual families of the forest laborers themselves. The number of employees in the Gmunden district was 1,160 at the beginning and 1,150 at the close of the year 1901. Of the number at the close of the year, 5 were superintendents, in charge of one or more stations; 110 were foremen, and 1,035 were classed as ordinary workmen. Of the 63 persons separated from the working force during the year, 40 were retired on pensions.

From March 1 to October 31 the working hours are from 6 a. m. to 6 p. m., with an intermission for dinner from 11 to 12 and a rest of one-half hour in both forenoon and afternoon. During the winter only the midday interval is allowed, work commencing at 7 a. m. and ending at 5 p. m. On Saturdays and days preceding holidays an earlier quitting time is arranged for, while emergencies may require a special schedule.

The wages of superintendents begin at 61.60 crowns ($12.50) per month, advancing with service to a maximum of 79.20 crowns ($16.08) per month. Foremen receive a daily rate of 2.30 crowns ($0.47), and laborers of 2.10 crowns ($0.43). The above rates are fixed by the ministry of agriculture. In emergencies, such as fire or

flood, and where night work is necessary, the ordinary wages are doubled and provision is made for injuries to clothing or other property. There is also a provision made, in the nature of a sliding scale, by which wages increase proportionately with an increase in the cost of rye, if such increase is maintained for a period of not less than four weeks.

An order which took effect September 1, 1898, provides free medical attendance, free medical and surgical supplies (or, in lieu of these two benefits, hospital privileges), sick benefits, and in case of death an allowance for burial. Superintendents receive as sick benefits a full wage for not more than 6 months. Other employees sick for more than 3 days receive two-thirds of their wages from the beginning of their illness for a period not exceeding 26 weeks. In cases of injury by accident during service, causing temporary disability, the rate of compensation is the full amount of the wages until the injured person is able to go back to work, but not for more than 26 weeks. Funeral benefits are estimated on the basis of a day's wage, being 20 times that amount. Benefits for other classes of accidents, and old age and invalidity benefits, are provided, besides a sanitary supervision of their homes.

The other divisions of the report give similar, though briefer, accounts of the other districts, which include a much smaller number of workmen.

GERMANY.

Erhebung über die Arbeitszeit der in Plättanstalten und in nicht als Fabriken oder Werkstätten mit Motorbetrieb anzusehenden Waschanstalten beschäftigten Personen. Drucksachen des Kaiserlichen Statistischen Amts, Abteilung für Arbeiterstatistik, Erhebungen Nr. 4. 1907. v, 344 pp.

In October, 1905, the division of labor statistics of the German imperial statistical office, in pursuance of a decree issued by the imperial chancellor July 7, 1904, made an investigation concerning the hours of labor of persons employed in laundries which were operated without the aid of machinery, with the view of securing sufficient data to serve as a basis for prospective action on modifying the industrial code relative to the employment of women and young persons by extending the same so as to include establishments of the character under consideration. The present volume is the result of this investigation.

The main part of the report consists of a series of tables in various combinations covering 256 pages, which present the results of the investigation in detail. These tables are preceded by an account of the methods pursued by the bureau in this investigation, by a comprehensive analysis accompanied by summaries derived from the tabular work, by a reproduction of the schedule of inquiry used and instructions issued for guidance in the prosecution of the work, and

by a series of remarks by employers and employees expressing their views in regard to the regulation of the hours of labor in laundries.

The investigation was limited to persons actually employed in laundry work. Members of proprietors' families, office employees, superintendents, porters, etc., were not included. Only establishments exclusively engaged in laundry work, employing at least one person rendering services for wages, or an apprentice, were considered, and laundries operated in connection with hotels, baths, hospitals, etc., were excluded from the investigation.

An estimate made by the bureau, based upon the industrial census of 1895, placed the number of establishments in the category under investigation at about 9,000. Schedules of inquiry were prepared for about two-thirds of this number and sent to the various States of the Empire for distribution among employers and employees in equal proportion. Of the schedules returned to the bureau, 3,199, representing an equal number of establishments located in 261 towns and cities, were found to be available for tabulation. The period covered by the investigation embraced the week of October 9 to October 14, 1905, with the exception of one city with 17 establishments, for which the data, owing to a delay in the preliminary steps in the distribution of the schedules, relate to the week of October 16 to October 21, 1905. Of the schedules available for tabulation, 1,700, or 53.1 per cent, were filled out by employers and 1,499, or 46.9 per cent, by employees. The total number of persons employed in the establishments for which complete returns were received was 8,869. From this number, 415 were eliminated and received no further consideration—267 on account of their employment in occupations other than laundry workers and 148 on account of their relationship to the employers—leaving 8,454 persons actually employed in laundry work and rendering services under wage agreements. Of this number, 5,897 persons were employed in the ironing department and 2,557 in the washing department. Classified according to age, 5,539 ironers and 2,547 washers were 16 years of age or over and 358 ironers and 10 washers were under 16 years of age. The following two tables show the number of employees of each class—first, according to sex and age groups, and next, according to the number of days the establishments were in operation during the week covered by the investigation:

NUMBER OF PERSONS EMPLOYED IN LAUNDRIES, GROUPED ACCORDING TO AGE, BY OCCUPATION AND SEX.

Age groups.	Ironers.			Washers.			All employees.		
	Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.
16 years or over	101	5,438	5,539	159	2,388	2,547	260	7,826	8,086
Under 16 years	3	355	358	4	6	10	7	361	368
Total	104	5,793	5,897	163	2,394	2,557	267	8,187	8,454

NUMBER OF PERSONS EMPLOYED IN LAUNDRIES, GROUPED ACCORDING TO THE NUMBER OF DAYS THE ESTABLISHMENTS WERE IN OPERATION DURING ONE WEEK IN OCTOBER, 1905, BY AGE GROUPS AND SEX.

Number of days in operation.	Number of establishments.	Number of employees.										
		Under 16 years.			16 years or over.			All employees.			Ironers.	Washers.
		Males.	Females.	Total.	Males.	Females.	Total.	Males.	Females.	Total.		
6 days	1,841	6	232	238	238	4,218	4,456	244	4,450	4,694	3,787	907
5 days	472	1	53	54	5	938	943	6	991	997	810	187
4 days	301	.....	29	29	8	750	758	8	779	787	537	250
3 days	240	.....	37	37	3	772	775	3	809	812	444	368
2 days	222	.....	9	9	4	792	796	4	801	805	242	563
1 day	123	.....	1	1	2	356	358	2	357	359	77	282
Total	3,199	7	361	368	260	7,826	8,086	267	8,187	8,454	5,897	2,557

An examination of the preceding table shows that 91.4 per cent of the male personnel were employed every day of the week, only 8.6 per cent being employed less than a full week. Of the females, only 54.4 per cent were employed during the entire week. Employment was less irregular in the ironing department than in the washing department. While 64.2 per cent of all employees in the former were employed every day of the week and 35.8 per cent during only part of the week, the reverse was true of the washing department, where only 35.5 per cent found employment during the entire week and 64.5 per cent during only part of the week.

In the following table the establishments and employees are grouped according to the actual hours of labor performed by the employees each day during one week in October, 1905, exclusive of periods of intermission:

NUMBER OF ESTABLISHMENTS AND EMPLOYEES GROUPED ACCORDING TO HOURS OF LABOR PERFORMED BY EMPLOYEES EACH DAY DURING ONE WEEK IN OCTOBER, 1905, EXCLUSIVE OF INTERMISSIONS.

IRONING.

Hours of labor per day.	Number of establishments in operation on—						Number of persons employed on—					
	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
4 or under	22	21	27	21	19	32	48	31	48	30	36	60
Over 4 to 8	210	196	205	200	195	222	451	366	336	316	308	500
Over 8 to 10	867	986	1,046	1,179	1,171	960	1,904	2,224	2,340	2,576	2,522	2,109
Over 10 to 11	588	691	746	816	822	684	1,536	1,723	1,880	2,024	1,977	1,674
Over 11 to 12	129	185	193	206	236	262	306	401	397	447	479	542
Over 12 to 14	23	47	47	61	128	190	39	107	114	131	305	340
Over 14 to 16	1	3	6	2	15	63	2	9	15	3	35	103
Over 16	.....	.....	1	2	3	9	.....	.....	1	3	4	14
Total	1,840	2,129	2,271	2,487	2,589	2,422	4,286	4,861	5,131	5,530	5,666	5,342

WASHING.

4 or under	9	7	11	12	7	4	19	12	17	17	11	4
Over 4 to 8	120	114	112	84	60	55	193	158	169	118	88	127
Over 8 to 10	331	605	603	461	342	282	575	960	958	759	591	527
Over 10 to 11	271	414	394	345	277	187	516	738	700	629	527	345
Over 11 to 12	64	100	95	82	70	52	140	185	164	152	138	97
Over 12 to 14	16	29	23	20	20	16	28	54	45	39	39	24
Over 14 to 16	.....	1	3	1	2	6	.....	4	6	2	3	8
Over 16	.....	.....	.....	1	.....	.....	.....	.....	.....	3	.....	.....
Total	811	1,270	1,241	1,006	778	602	1,471	2,111	2,059	1,719	1,397	1,132

The foregoing table shows the great irregularity in the employment and wide fluctuations in the hours of labor prevailing in this branch of industry. Considering the employees engaged in ironing, it will be noticed that, beginning with Monday, their number steadily increased from day to day until it reached its maximum on Friday. On the other hand, the number of persons engaged in washing is at its maximum in the fore part of the week, after which it shows a constantly decreasing tendency until the last day of the week, when it represents only 53.6 per cent of the maximum number employed on Tuesday. Comparing the number of employees grouped with reference to their hours of labor, it will be found that the number employed between 8 and 10 hours per day constitutes the largest group in each class of workers. The next largest group comprises those who were employed between 10 and 11 hours per day. In each class of employees these two groups comprise over 70 per cent of the total number of persons employed each day.

There were 361 females under 16 years of age, of whom 355 were employed in the ironing and 6 in the washing departments. They are shown separately in the following table, grouped according to their hours of labor performed each day, exclusive of periods of intermission:

NUMBER OF ESTABLISHMENTS AND FEMALE EMPLOYEES UNDER 16 YEARS OF AGE, GROUPED ACCORDING TO HOURS OF LABOR PERFORMED EACH DAY DURING ONE WEEK IN OCTOBER, 1905, EXCLUSIVE OF INTERMISSIONS.

IRONING.

Hours of labor per day.	Number of establishments in operation on—						Number of females under 16 years of age employed on—					
	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.	Monday.	Tuesday.	Wednesday.	Thursday.	Friday.	Saturday.
4 or under	4	4	7	5	6	10	6	7	10	6	9	12
Over 4 to 8	38	44	42	51	56	61	43	49	48	57	64	71
Over 8 to 10	108	123	124	143	143	119	131	148	150	173	170	142
Over 10 to 11	50	63	69	73	74	66	59	74	80	84	86	77
Over 11 to 12	12	10	12	12	10	14	13	10	12	12	10	15
Over 12 to 14	.....	7	6	5	6	6	.....	8	8	7	7	7
Over 14 to 16	.....	.....	.....	.....	1	1	.....	.....	.....	.....	1	1
Over 16	.....	.....	.....	1	1	1	.....	.....	.....	1	1	1
Total	212	251	260	290	297	278	252	296	308	340	348	326

WASHING.

4 or under	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Over 4 to 8	1	1	1	1	2	2	1	1	1	1	2	2
Over 8 to 10	2	3	3	3	2	2	2	3	3	3	2	2
Over 10 to 11	1	1	1	1	1	1	1	1	1	1	1	1
Over 11 to 12	1	1	1	.....	.....	.....	1	1	1	.....	.....	.....
Total	5	6	6	5	5	5	5	6	6	5	5	5

Instances of Sunday labor in the establishments under consideration were of very rare occurrence. The data relating to this subject show that of the 8,454 persons for whom complete returns had been made to the bureau, only 19 persons employed in 7 establishments performed labor on Sunday of the week covered by the investigation. Fourteen of the 19 persons worked 2 hours or less and the remaining 5 persons from 2 to 5 hours.

Erhebung über die Arbeitszeit im Binnenschiffahrts-Gewerbe. Drucksachen des Kaiserlichen Statistischen Amts, Abteilung für Arbeiterstatistik, Erhebungen Nr. 7. 1907. 87 pp.

In this report are published the results of an investigation made by the division of labor statistics of the German statistical office in regard to the hours of labor of workmen engaged in internal navigation. The investigation, which supplements the inquiry into Sunday work made in 1901, was originally planned for the autumn of 1904, but because of unusual low water at that time it was postponed until the autumn of 1905.

Only those craft which are operated for commercial purposes were included, namely, ferries, steam and other power boats carrying passengers or freight, and sailing ships, including tow and stake boats not operated by steam or other power.

A census of 1903 shows 3,793 ferry and steam vessels and 22,079 sailing vessels, tow boats, and stake boats in use in internal water transportation. A complete enumeration of all these vessels was thought to be impossible in the present connection. Accordingly, only about 25 per cent of the ferries and of the steam and other power boats and about 10 per cent of the sailing vessels were included in the investigation.

Considerable space in the first part of the report is devoted to a description of the methods pursued in the work of investigation, and copies of the schedules of inquiry and the accompanying instructions are shown in detail.

Statistics and textual analyses of the same are presented in regard to the length of the season of navigation in 1905, the length of the working-day inclusive and exclusive of periods for meals and rest, the length of delays to traffic, the lengthening and shortening of the working-day, and finally in regard to the frequency of employment for more than 24 hours.

As a rule the boats were small, 69.2 per cent of the steam and other power boats having a carrying capacity of less than 100 metric tons (110.23 tons of 2,000 pounds), while 73.6 per cent of the sailing ships carried less than 500 metric tons (551.15 tons of 2,000 pounds). On each of the steamboats there were employed, on the average, 3.9 persons, and on the sailing ships, 1.5 persons.

On ferryboats the largest number of men were employed 12 to 14 hours per day in winter and from 14 to 16 hours per day in summer. These periods include incidental cessations from work.

Of employees on steam vessels 30.6 per cent worked 10 hours or less per day in winter and 29.2 per cent worked more than 10 hours but not more than 12 per day during trips. In summer the largest groups were those who worked more than 12 but not more than 14 hours and those who worked more than 14 but not more than 16 hours, the percentages being 29.1 and 29.9, respectively. In each of these periods incidental intervals of rest are included.

Corresponding returns for sailing vessels, towboats, etc., show the largest group in winter (46.5 per cent) to have worked more than 10 but not more than 12 hours, while in summer 26.6 per cent worked more than 12 but not more than 14 hours; 18.7 per cent of the men on this class of vessels worked more than 18 hours in the summer while on trips.

Approximately 12 hours daily service was the average for the workmen when loading and unloading the various classes of vessels.

DECISIONS OF COURTS AFFECTING LABOR.

[Except in cases of special interest, the decisions here presented are restricted to those rendered by the Federal courts and the higher courts of the States and Territories. Only material portions of such decisions are reproduced, introductory and explanatory matter being given in the words of the editor. Decisions under statute law are indexed under the proper headings in the cumulative index, page 1062 et seq.]

DECISIONS UNDER STATUTE LAW.

EMPLOYERS' LIABILITY—DUTY TO GUARD DANGEROUS MACHINERY—VIOLATION OF STATUTE—ASSUMPTION OF RISK—*Western Furniture and Manufacturing Company v. Bloom, Supreme Court of Kansas, 90 Pacific Reporter, page 821.*—This case arose under the "factory act," chapter 356 of the Laws of 1903, which requires, among other things, that dangerous machinery shall be safely guarded for the protection of employees working thereat. Max Bloom had secured a judgment in the district court of Sedgwick County, the ground being that the machine causing the accident had not been properly guarded. The company appealed, claiming that it was error for the court to refuse to instruct that if the injured employee was found to have assumed the risk the company was not liable. The supreme court affirmed the judgment of the court below, disposing of the question of assumption of risk as follows. Judge Mason speaking for the court said:

The important question presented arises upon the refusal of the court to submit to the jury any issue with respect to the assumption by the plaintiff of the risk of injury arising from the defendant's failure to observe the statute. Whether the defense of assumption of risk is ever open in an action founded upon statutes of the kind here relied upon, commonly known as "factory acts," or upon any statute giving a right of action to an employee on account of injuries resulting from the negligence of his employer, is a question upon which there is great difference of judicial opinion. It has not heretofore been passed upon by this court. In Dresser's Employer's Liability, secs. 116, 117, in the course of a full discussion, the opinion is expressed that the servant may, under some circumstances, be held to have assumed the risk occasioned by the breach of an obligation imposed upon the master by statute. This view is approved in White's Personal Injuries in Mines, secs. 205, 235, but upon somewhat different grounds. In Reno's Employer's Liability Acts, sec. 229, 2 Labatt's Master & Servant, sec. 250, and Thompson's Com-

mentaries on Negligence, secs. 4702, 4704, the conflict is noted, and the authors, without avowing any strong convictions of their own, indicate that the rule generally adopted is that the statutes do not abolish the defense. A collection of cases bearing upon the matter is to be found in 20 A. & E. Encycl. of L. 121, and 3 Supplement to same, 1304, 1305, which can be made practically complete by the addition of Narramore *v.* Cleveland, C., C. & St. L. Ry. Co., 96 Fed. 298 [Bulletin No. 26, p. 202], the leading case in favor of the view that the defense is not available, and Birmingham R. & E. Co. *v.* Allen, 99 Ala. 359, 13 South. 8, and Denver & R. G. R. Co. *v.* Norgate, 141 Fed. 247, 6 L. R. A. (N. S.) 981, holding the contrary. In a note to the last-named case in Lawyers' Reports, Annotated, the authorities are classified and reviewed in detail, and the result is thus summarized: "The jurisdictions are well-nigh equally divided on this question. Of the effect of the statute imposing duties on a master to abolish by implication the defense of assumption of risk Alabama, Iowa, Massachusetts, Minnesota, New York, Ohio, Rhode Island, and Wisconsin hold that such statutes do not abolish that defense. On the other side, holding that the defense of assumption of risk is abolished in such cases by implication, are the courts of Illinois, Indiana, Louisiana, Michigan, Missouri, Vermont, and Washington." Where the defense is held to be unavailable, it is usually upon the grounds stated with great force by Judge Taft in Narramore *v.* Cleveland, supra, first, that assumption of risk is essentially a contract by the employee to waive the benefit of the statute; and, second, that consideration of public policy will not permit such a contract to be given effect. If both these propositions are sound, the conclusion reached obviously follows. Therefore, where the defense is permitted, one or the other of them is denied—sometimes both, as in O'Maley *v.* South Boston Gaslight Co., 158 Mass. 135, 32 N. E. 1119, the leading American case upon that side of the controversy, where it is maintained that assumption of risk is not strictly speaking a contract, but that, if it is so regarded, it is one which the employee is competent to make. The essential character of assumption of risk, and its connection with considerations of public policy and with the maxim "volenti non fit injuria," are discussed in a note to that case in the Lawyers' Reports, Annotated, and in Dresser's Employer's Liability, secs. 82, 88, 116, 117, as well as in many of the cases cited in the notes referred to. It is unnecessary to enter upon a consideration of the matter at this time, for this court has already committed itself to the view, with which it is entirely satisfied, that as applied to the relation of master and servant the term is one of contract. "The doctrine of 'assumption of risk' rests for its support upon an agreement of the employee with his employer, express or implied, from the circumstances of his employment, that his employer shall not be liable to him in damages for any injury incident to the service he is employed to perform resulting from a known or obvious danger arising in the performance of the service." (Railway Co. *v.* Bancord, 66 Kan. 81, 71 Pac. 253 (syllabus).) "Reduced to its last analysis, the doctrine of assumed risk must rest for its support upon the express or implied agreement of the employee that, knowing the danger to which he is exposed, he agrees to assume all responsibility for resulting injury." (Page 88 of 66 Kan., page 255 of 71 Pac.)

It is also unnecessary at this time to enter upon an independent examination of the second of the two subsidiary questions upon which the solution of the problem presented depends. Upon that also this court is definitely and finally committed. In Kansas Pac. Ry. Co. *v.* Peavey, 29 Kan. 169, 44 Am. Rep. 630, where the statute making railway companies liable to its employees for injuries resulting from the negligence of any of its agents or servants (Gen. St. 1901, sec. 5858) was under consideration, it was said: "If the statute was enacted for the better protection of the life and limb of railroad employees, it would be against public policy for the courts to sanction contracts made in advance for the release of this liability, especially when we consider the unequal situation of the laborer and his employer. The State has such an interest in the lives and limbs of its citizens that it has the power to enact statutes for their protection, and the provisions of such statutes are not to be evaded or waived by contracts in contravention therewith. The general principle deduced from the authorities is that an individual shall not be assisted by the law in enforcing a contract founded upon a breach or violation on his part of its principles or enactments; and this principle is applicable to legislative enactments, and is uniformly true in regard to all statutes made to carry out measures of general policy, and the rule holds equally good, if there be no express provision in the statute peremptorily declaring all contracts in violation of its provisions void, in regard to statutes intended generally to protect the public interests, or to vindicate public morals."

It is not important whether the result there reached might have been justified upon other grounds. The broad principle announced, that a workman employed in a dangerous occupation may not by agreement waive the provisions of an act intended for his protection, or relieve his employer from a statutory liability in that connection, has become a settled tenet of this court.

It is clear, therefore, that unless the court recedes from the position already taken, that assumption of risk is one of the terms of the contract of employment, or from its position that the protection vouchsafed to employees by statute against the negligence of their employers can not be contracted away, it must hold that assumption of risk is not available as a defense to an action founded upon the factory act. These positions are adhered to, and it results that the judgment must be affirmed. All the justices concurring.

EMPLOYERS' LIABILITY—DUTY TO GUARD DANGEROUS PLACES—VIOLATION OF STATUTE—ASSUMPTION OF RISK—*Denver and Rio Grande Railroad Company v. Gannon, Supreme Court of Colorado, 90 Pacific Reporter, page 853.*—Claude W. Gannon was injured while in the employment of the railroad company named and secured a judgment for damages in the district court of Fremont County. A statute of the State of Colorado directs that frogs and guard rails shall be blocked, and it was because of a failure to comply with this law that Gannon, who was a switchman, had his foot caught in an unguarded rail and suffered the injury complained of.

The lower court ruled that, under the circumstances of a violation of the law, Gannon did not assume the risk. The case was appealed to the supreme court, the railroad company contending that the plaintiff knew that the rails were unguarded and that he assumed the risk, even though the statute had not been complied with. The court adopted this view, reversing the judgment of the lower court and remanding the case for a new trial. The opinion was delivered by Judge Goddard, who spoke as follows on the relation of the statute to the doctrine of assumed risks:

The reciprocal duties and obligations of employer and employee imposed by the common law are well settled. It devolves upon the employer the duty of furnishing the employee a reasonably safe place in which to work. It requires the employee to use his faculties, as an ordinarily prudent man would, to avoid injury. If the employer neglects to perform his duty in the respect above mentioned, and the employee, without fault on his part, is injured as the result of such negligence, the employer must answer in damages; but, if the defect is obvious, and the danger apparent, and the employee has equal knowledge with the employer of its existence, and voluntarily enters upon, or continues in, the service, he assumes all the risk naturally and reasonably incident to the service.

It is conceded by counsel for appellee that this rule would apply, and appellee would have assumed the risk of the unblocked guard rails, except for the statute known as the "Frog Blocking Statute" (Sess. Laws 1897, p. 258 c. 69), which, he contends, abolished the doctrine of the assumption of risk occasioned by the failure to block frogs and guard rails as required by its provisions. In other words, the claim is that the statute, having imposed a specific duty upon the railroad company, it is not within the power of the company and its employees, by contract or otherwise, to relieve the company from the performance of such duty or liability for an injury resulting from its failure to discharge such duty. The first section of the statute enacts that it shall be the duty of railroad companies to block their frogs and guard rails, specifying the manner in which such blocking shall be done. The second section provides as follows: "In all trials in all courts in this State, to recover for personal injury, and in all cases of personal injury to employees, or other persons, occasioned by, or in any manner directly or indirectly resulting from being caught between any of the aforesaid rails, testimony relative to compliance with the requirements of this act shall be admitted. And where a failure is shown on the part of any such corporation, company or persons to have safely and securely blocked such rails in accordance with the provisions of this act, such failure to have complied with any of the provisions of this act shall be prima facie evidence of the negligence of any such corporation, company or other person so failing to comply with any of the provisions of this act where any such employee, or other person, may be caught between such rails not blocked in accordance with the provisions of this act." It will be observed that the act does not, as in the Federal safety appliance act, and in the statutes of several of the States, expressly abolish the assumption of risk, but makes the failure to

comply with its provisions prima facie evidence of the negligence of the company. It confers no new right upon an employee, but makes the failure to do certain specific things prima facie evidence that the company has neglected a duty that was always imposed upon it by the common law, to wit, to furnish a reasonably safe place in which to work. In other words, the legislature has specified the blocking of frogs and guard rails as among the things necessary to make the place in which cars are switched and coupled safe for the performance of this work.

This act was under consideration in the recent case of Denver & R. G. R. Co. *v.* Norgate, 141 Fed. 247, and upon a state of facts similar to those presented in this record, and it was held that it did not take away from the railroad company the defense of assumed risk. Carland, District Judge, speaking for the court said: "We are clearly of the opinion that the frog blocking act of Colorado * * * did not take away from the railroad company the defense of assumption of risk in this case. * * * It is conceded that the common law declares that Norgate, when he enterd the employ of the railroad company assumed all the risks and dangers of his occupation which were known to him, and all of which a reasonably prudent man in his situation would have known. By the ruling of the trial court this old and well-established rule of the common law was held to have been repealed by the statute of Colorado, providing for the blocking of frogs and guard rails. We first naturally turn to the law itself to find the repeal. We find the law expressed in clear, unambiguous terms, and, this being so, we are not permitted to go elsewhere to find the meaning and intention of the lawmaking power. Nothing whatever is said in the law as to assumption of risk. The legislature could have easily repealed this principle of the common law above quoted, as other legislatures have done. (Code Iowa, 1888, sec. 2002; Acts Tex. 1891, p. 25, c. 24; Acts Fla. 1891, p. 113, c. 4071; Acts Wyo. 1890–91, p. 350, c. 80, sec. 17; Burns' Ann. St. Ind. 1901, sec. 708.) But, instead thereof, the legislature simply imposed the duty upon railroad companies of blocking their frogs and guard rails, and further provided that a failure to do so should be prima facie evidence of negligence." In the case of St. Louis Cordage Co. *v.* Miller, 126 Fed. 495, 509, [Bulletin No. 52, p. 680], it was said that: "The factory act of Missouri (2 Rev. St. 1899, sec. 6433 [Ann. St. 1906, p. 3217]) does not abolish the defense of assumption of risk in cases which fall under its provisions. In this respect it differs from the act of the Congress of the United States (Act March 2, 1893, c. 196, 27 Stat. 531 [U. S. Comp. St. 1901, p. 3174]), which requires cars engaged in interstate commerce to be equipped with automatic couplers. Congress in that act expressly provided that, in case the railroad companies failed to comply with its terms, the employees should not be deemed to have assumed the risk thereby occasioned. * * * The legislature of Missouri had power to apply a similar provision to cases in which employers failed to keep their machinery safely and securely guarded, but they did not do so." In Bradley *v.* People, 8 Colo. 604, 9 Pac. 786, Elbert, J., speaking for the court, said: "The common law is as much to be taken into account in construing a statute as a previous statutory enactment, * * * 'A statute, general in its terms, is always to be

taken as subject to any exceptions which the common law requires.'" In 2 Lewis' Sutherland Statutory Construction, sec. 453, original section 289, the following language is used: "The principles of the common law pervade and permeate everything which is subject to legal regulation. * * * By its principles statutes are read and construed. They supplement or change it, and it adjusts itself to the modification and operates in conjunction and harmony with them. * * * Rules of interpretation and construction are derived from the common law, and since that law constitutes the foundation and primarily the body and soul of our jurisprudence, every statutory enactment is construed by its light and with reference to its cognate principles."

It is manifest that the statute, when tested by the rule announced by the foregoing authorities, does not, in terms or by implication, affect the law of assumption of risk, and that such defense was available by appellant in this case unless, as contended by counsel for appellee, the imposition of the statutory duty in itself abrogated the law and deprived it of such defense. Several cases are cited which hold that "statutes imposing a positive duty upon the master by implication repeal the law of the assumption of risk," among them the case of Narramore *v.* Cleveland, C., C. & St. L. Ry. Co., 96 Fed. 298 [Bulletin No. 26, p. 202], in which it was said that: "An assumption of risk is a term of the contract of employment, expressed or implied, by which the servant agrees that dangers of injury obviously incident to the discharge of the servant's duty, shall be at the servant's risk." That this is a mistaken view of the law regarding the assumption of risk we think is demonstrated in D. & R. G. R. Co. *v.* Norgate, supra, and in many other cases, among them St. Louis Cordage Co. *v.* Miller, supra; Langlois *v.* Dunn Worsted Mills, 57 Atl. 910, 25 R. I. 645; Martin *v.* C., R. I. & P. R. Co., 118 Iowa, 148, 91 N. W. 1034; O'Maley *v.* South Boston Gaslight Co., 158 Mass. 135, 32 N. E. 1119; Knisley *v.* Pratt, 148 N. Y. 377, 42 N. E. 986; Swenson *v.* Osgood, etc., Mfg. Co., 91 Minn. 509, 98 N. W. 645; Powell *v.* Ashland, etc., Co., 98 Wis. 35, 73 N. W. 573; Helmke *v.* Thilmany, 107 Wis. 216, 83 N. W. 360; Nottage *v.* Sawmill Phoenix, 133 Fed. 979; B. R. & E. Co. *v.* Allen, 99 Ala. 359, 13 South. 8; C., C. & St. L. Ry. Co. *v.* Ullom, 20 Ohio Cir. Ct. R. 512; Dresser on Employers' Liability, sec. 82; 2 Labatt on Master & Servant, secs. 649, 650.

In D. & R. G. R. Co. *v.* Norgate, supra, Carland, J., referring to the language used by Judge Taft as quoted above in the Narramore case, said: "Is it possible that an old, established principle of the common law depends for its existence in each case of employment upon the agreement of the parties? The law regarding the assumption of risk is the law which governs the relation of master and servant, and is independent of the will of either. It is not a term of the contract of employment. If it were, then the master and servant could retain it or abolish it in each contract of employment. But they can do neither. It is a principle of the common law, and must be repealed, if at all, by the lawmaking power. It is the law of the land governing all persons who assume the relation of master and servant. It is over and above the contract, and depends in no manner for its existence upon the agreement of the parties. It is founded

upon public policy, the status assumed by master and servant, and upon the maxim: 'Volenti non fit injuria.' The law establishing the reciprocal duties and obligations of master and servant never originated out of contract, in the sense that the master and servant ever expressly agreed to them. But the common law imposed these duties and obligations as a regulation of those who assumed this relation, regardless of the desires of the master or the servant."

In the case of Martin *v.* C., R. I. & P. R. Co., supra, the court discusses and disapproves of the Narramore case, using the following language: "We think the learned judge, in writing that opinion, assumes too much, in treating the assumption of risk as purely a matter of contract. True, the books speak of it as resting on an implied agreement between the employer and employee. It is more accurate to say that the services of the one are engaged by the other, and from the relationship the law implies certain duties, obligations, and disabilities. No mention is made of these, but they pertain to the relationship of the parties and the status then assumed."

In Knisley *v.* Pratt, the court of appeals of New York uses the following language: "In order to sustain the judgment in favor of plaintiff, it is necessary to hold that, where the statute imposes a duty upon the employer, the performance of which will afford greater protection to the employee, it is not possible for the latter to waive the protection of the statute under the common-law doctrine of obvious risks. We regard this as a new and startling doctrine, calculated to establish a measure of liability unknown to the common law, and which is contrary to the decisions of Massachusetts and England under similar statutes. * * * We think this proposition is essentially unsound, and proceeds upon theories that can not be maintained. It is difficult to perceive any difference in the quality and character of a cause of action, whether it had its origin in the ancient principles of the common law, in the formulated rules of modern decisions, or in the declared will of the legislature. Public policy in such case requires its rigid enforcement, and it was never urged in the common-law action for negligence that the rule requiring the employee to assume the obvious risks of the business was in contravention of that policy. * * * We are of opinion that there is no reason in principle or authority why an employee should not be allowed to assume the obvious risks of the business as well under the factory act as otherwise. There is no rule of public policy which prevents an employee from deciding whether, in view of increased wages, the difficulties of obtaining employment, or other sufficient reasons, it may not be wise and prudent to accept employment subject to the rule of obvious risks. The statute does, indeed, contemplate the protection of a certain class of laborers, but it does not deprive them of their free agency and the right to manage their own affairs."

We think the weight of authority and the better reason condemn the theory that "assumed risk" arises from the contract of employment, and base it upon the ground that the employment creates a status or relationship to which the law attaches certain reciprocal duties, obligations, and disabilities which are not matters of agreement between the parties, and which have not been changed by the frog blocking statute.

EMPLOYERS' LIABILITY—MINE REGULATIONS—LICENSED FOREMEN—TEMPORARY FOREMAN—CONSTRUCTION OF STATUTE—*Cumberland Coal and Coke Company v. Gray, United States Circuit Court of Appeals, 152 Federal Reporter, page 939.*—The principal point of interest in this case is the application of the mining law of Tennessee, chapter 237, Acts of 1903, which requires mine operators to appoint certificated foremen for the performance of certain designated duties. The law allows unlicensed foremen to serve for thirty days, and it was the alleged negligence of one of these unlicensed foremen that gave rise to the injuries complained of. The court below had given a judgment to the plaintiff, Gray, for the death of his son, and the company appealed. The judgment of the lower court was affirmed, the statute being held not to affect the employers' liability in respect of the matter of the foreman's conduct.

From the opinion, which was delivered by Judge Severens, the following is quoted:

The first point which is urged by counsel against the judgment is this: The legislature of Tennessee enacted a statute (Acts 1903, p. 520, c. 237), regulating the operation of mines, which required the employment by the operator of a mine, of a mine foreman who should have a certificate of competency from an examining board, and who should give his attention to the frequent inspection of the mine and of the operations going forward therein, and give all necessary directions for securing the health and safety of the employees. One of the provisions of section 20 of the chapter was:

"That said mine foreman shall not be subject to the control of the operator or owner in the discharge of the duties required of said mine foreman by this act. It shall be the duty of the mine foreman, or foremen, to see that the provisions of this section and the other duties herein defined are faithfully discharged and carried out; and in case of his or their failure to comply with such provisions, and upon conviction, he or they shall be subject to a fine of one hundred dollars each and imprisonment for a period of not less than ninety days at the discretion of the court."

It is contended that the provisions of this act deprived the company of the power of control over the operation of its mine, and therefore relieved it of responsibility for accidents occurring in such circumstances as those which existed in the present case. The principle upon which this insistence rests is no doubt sound, and is well supported by authority. This point, however, was not raised at the trial, which occurred in April, 1906. The defendant relied upon the statute of 1881 which did not contain the provision above quoted from section 20 of the act of 1903 conferring the power of control in respect to the operation of mines; and, so far as appears, the defendant did not refer to or invoke the provision of the later act. Nor was the provision referred to in the motion for a new trial subsequently entered by the defendant. Nor is the point raised by the assignment of errors filed July 11, 1906, unless it should be regarded as sufficiently

assigned by the general assignment that the court erred in refusing to give a peremptory instruction to the jury to find a verdict for the defendant. In October following, the supreme court of Tennessee decided the case of Sale Creek Coal & Coke Co. *v.* Priddy, 96 S. W. 610, and therein held that, in consequence of the act of 1903, the relation "of master and servant did not exist between the mine owner and his certified foreman with reference to the duties imposed on such foreman by the statute, and that the master was therefore not liable for injuries to a miner, caused by the foreman's negligence in the performance of such duties." This ground of defense is now advanced in support of the general assignment of error in refusing the instruction asked. As no objection is made by the defendant in error, we conclude to consider the effect of the statute upon the rights of the parties. It does not extend the control of the foreman over the discharge of all the duties which the mine owner owes to its employees. It does include the duties of inspection and the preservation of reasonably safe conditions for the work. But apparently it does not include the duty of the employer to instruct his inexperienced employees of the dangers in putting them into a kind of business or a place of work which is peculiarly hazardous; and the negligent discharge of this duty was, as we have seen, alleged in the declaration. And as there was some evidence to prove it, a verdict for the plaintiff might be rested on that ground, notwithstanding the statute. A contrary instruction would therefore have been erroneous. Moreover the foreman employed, Barnett by name, was not a licensed foreman, and therefore not such a foreman as the statute intended to intrust with such power. He had applied for a license on November 9 or 10, 1904, but it was not then granted to him, nor had it been at the time of the accident on the 23d of that month, nor did he obtain a license until the 7th day of February, following. It is true, as pointed out by counsel for the plaintiff in error, that the statute in question provides that "no coal mine shall be operated for a period longer than thirty days without such certificated mine foreman," and that "any owner, operator, or superintendent, operating a coal mine in this State for thirty days without such certificated foreman shall, upon conviction of same, be subject to a fine of $25 per day for each and every day operated without such foremen or foreman," and it is contended that a foreman without license is privileged to act as a lawful foreman during the first 30 days of his employment. But we conceive that such is not the meaning of this language. It seems to us to mean that the owner might go on with his business for 30 days with an unlicensed foreman without being subject to the obligations and the penalties prescribed by the act. Meantime he would be operating without a licensed foreman and be in control as before the act. We can not conceive how the license granted in the February following could retroact so as to give the foreman's acts an authority which he did not theretofore possess; or how the conditions of things done in November could be affected by the license in February any more than they would be if the license had never been granted. We therefore conclude that the liability of the company was not affected by the statute.

REPAYMENT OF EMPLOYERS' ADVANCES—FRAUDULENT BREACH OF CONTRACT—CONSTITUTIONALITY OF STATUTE—PEONAGE—*Ex parte Drayton, United States District Court, District of South Carolina, 153 Federal Reporter, page 986.*—Enoch and Elijah Drayton, Negroes, then on the chain gang in Charleston County, applied for a writ of habeas corpus to secure their release. These men were held under a commitment by a magistrate on a charge of a violation of contract alleged to have been made with one Clement for agricultural labor, on which contract advance payments had been made. The contract was made in 1906, and work under it was to begin in January, 1907. Clement stated that: "In January they failed to do the work. I swore out warrants before Magistrate Beckett for violation of agricultural contract, under section 357 of the Acts of 1904."

The act of 1904 (Laws 1904, p. 428) amends section 357 of the Criminal Code of the State of South Carolina of 1902 and makes it read as follows:

Sec. 357. Any laborer working on shares of crop or for wages in money or other valuable consideration, under a verbal or written contract to labor on farm land, who shall receive advances either in money or supplies and thereafter willfully and without just cause fail to perform the reasonable service required of him by the terms of the said contract, shall be liable to prosecution for a misdemeanor, provided the prosecution shall be commenced within thirty days after the alleged violation and on conviction shall be punished by imprisonment of thirty days or fined in the sum of not less than fifty dollars nor more than one hundred dollars, in the discretion of the court, provided the verbal contract herein referred to shall be witnessed by at least two disinterested witnesses, provided that such contract shall be valid only between the original parties thereto, and any attempted transfer or otherwise of any rights thereunder shall be null and void.

The question before the court was as to the constitutionality of this section, the decision being adverse. The grounds on which the provision was declared to be unconstitutional appear in the following quotation from the opinion of the court, as delivered by Judge Brawley:

These men had been prosecuted in December, 1906, for violating a similar contract, and had served a sentence upon the chain gang for that offense. Act No. 242, p. 428, of the general assembly of South Carolina, approved on the same day with the act above mentioned provides that a conviction for the violation of the contract mentioned in section 357 "shall not operate as a release or discharge of such person from the performance of any part of said contract, which is to be performed subsequent to the date of the breach for which such conviction was had." The contract alleged to have been violated was not produced at the hearing, nor was there any definite testimony as to the amount due by the laborers; Clement's books of account, asked for by attorneys for petitioners, not being produced. No testi-

mony whatever was offered as to the circumstances attending the alleged breach; the only witnesses examined being Clement, a magistrate, and one Seabrook, his constable, and the only alleged criminal act testified to was, in Clement's words, "they failed to do the work." Two affidavits of one Jacques that he had witnessed contracts between Clement and the defendants, which contracts were not offered in evidence, is about all that the record discloses which has any bearing upon the case. It thus appears that the crime for which these men were sent to the chain gang is the failure to work for Clement under contracts by which he had made certain advances to them, and they had agreed to work until the whole amount was paid.

The thirteenth amendment of the Constitution of the United States, declared ratified December 18, 1865, is as follows:

"Section 1. Neither slavery nor involuntary servitude, except as punishment for crime, whereof the parties have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

"Sec. 2. Congress shall have power to enforce this article by appropriate legislation."

The act of Congress of March 2, 1867 (14 Stat. 546, c. 187), declares that:

"Holding of any person to service or labor under the system known as peonage is hereby declared to be unlawful, and the same is hereby abolished and forever prohibited, * * *; and all acts, laws, * * * of any Territory or State of the United States which have heretofore established, maintained or enforced or by virtue of which any attempt shall hereafter be made to establish, maintain or enforce, directly or indirectly, the voluntary or involuntary service or labor of any person as peons, in liquidation of any debt or obligation or otherwise, be and the same are hereby declared null and void."

The Supreme Court, in Clyatt *v.* United States, 197 U. S. 207, 25 Sup. Ct. 429 [Bulletin No. 60, p. 695], defines "peonage" as:

"A status or condition of compulsory service, based upon the indebtedness of the peon to the master. The basal fact is indebtedness. * * * That which is contemplated by the statute is compulsory service to secure the payment of a debt. * * * We entertain no doubt of the validity of this legislation or its applicability to the case of any person holding another in a state of peonage, and this whether there be municipal ordinance or State law sanctioning such holding."

The first question to be considered is whether the act of 1904, section 357 of the Criminal Code of South Carolina of 1902, is intended to secure compulsory service in payment of a debt. That appears to be its sole purpose and effect. It provides a ccercive weapon to be used by the employer, and enables him to send to jail or the chain gang any person who may "fail to perform the reasonable service required of him by the terms of the said contract," and the learned attorney-general for the State, while asserting the validity of this act upon grounds hereinafter to be considered, does not contest the fact that such is its purpose and effect, and vindicates the same on the ground that such legislation is necessary owing to the peculiar conditions of agricultural labor in this State. The great body of such

laborers, as is well known, are Negroes, and it is claimed that, being without any financial responsibility, the ordinary remedies by judgment and execution for breaches of contract would be utterly futile. That such is the prevailing opinion is manifest in another act of the general assembly of South Carolina, approved February 20, 1907, wherein it is provided that:

"Any person or persons who shall hereafter go into possession of any farming land of another, or shall enter into a written agreement or contract to go into possession of the farming land of another as a tenant or under a contract to farm and cultivate said land, and shall without just cause or excuse leave, desert or quit the land so leased or contracted for, shall be deemed guilty of a misdemeanor, and be fined not less than twenty-five dollars nor more than one hundred dollars, or suffer imprisonment not less than five nor more than thirty days, in the discretion of the court."

It not being contested, then, that the purpose and effect of this legislation, is to secure the performance by an agricultural laborer of the personal service required by his contracts, by visiting him with pains and penalties for its violation, the next question is whether such legislation is valid under the thirteenth amendment, which forbids slavery or involuntary servitude. On behalf of the State, it is contended that such legislation is a lawful exercise of those police powers which admittedly are reserved by the States; that it is a lawful exercise of such powers to denounce as crimes the violation of such contracts; and that persons convicted thereunder are within the exception, the language of the amendment being "involuntary servitude, except as a punishment for crime." Inasmuch as it is contended by the petitioners that this legislation is also in conflict with the fourteenth amendment, in that it denies them the equal protection of the laws, being applicable only to laborers working on the farm, and is not equal and uniform, the question will be considered as affected by the two amendments named. The pertinent clauses of this amendment are as follows:

"No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

The Supreme Court, in Allgeyer *v.* Louisiana, 165 U. S. 589, 17 Sup. Ct. 431, 41 L. Ed. 832, in considering a statute claimed to be a violation of the fourteenth amendment, says:

"The liberty mentioned in that amendment means not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the employment of all his faculties; to be free to use them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling"—citing similar expressions in cases previously decided.

The right of every citizen to work where he will, and for whom he will, to select not only his employer, but his associates, to follow any of the common avocations of life, is one of those inalienable rights formulated in the Declaration of Independence, and in the Bill of Rights, which provides that "all men are possessed of equal and inalienable natural rights, among which are life, liberty and the pur-

suit of happiness." This is now a part of the body and letter of the organic law of the Republic, and is consistent with the thought and spirit of its founders.

Judge Cooley, on Torts (page 278), says:

"It is a part of every man's civil rights that he be left at liberty to refuse business relations with any person whomsoever, whether the refusal rests upon reason, or is the result of whim, caprice, prejudice or malice."

And the same author, in his work on Constitutional Law (page 237), in speaking of the thirteenth amendment, says:

"It is therefore a just conclusion that any discrimination which narrows to one class, while leaving unrestricted to others the freedom of choice in employments, must be regarded as the establishment of involuntary servitude, and therefore forbidden."

To compel one person to labor for another against his will is legalized thraldom. It would scarcely be contended that Clement could by force or threats compel these petitioners to work for him against their will in payment of their indebtedness. Any such attempt on his part would be a direct violation of the act of Congress of March 2, 1867, which forbids any attempt, directly or indirectly, to enforce involuntary service or labor in liquidation of any debt, and would subject him to a criminal prosecution and to the penalties denounced in that act, and the same act declares null and void the laws of any State or Territory which have theretofore been enacted, or might thereafter be enacted, to enforce involuntary service or labor in liquidation of debts.

To sustain the validity of this statute, it is contended that the violation of a contract of the nature mentioned therein is a fraud; that the punishment of fraud is within the police power of the State; and that, inasmuch as the petitioners have been convicted and are serving a sentence for the offense denounced by the statute a misdemeanor, their case falls within the exception of the thirteenth amendment, being a punishment for crime whereof the parties have been duly convicted.

And it is maintained that the failure to perform, after having received advances, etc., the reasonable service willfully and without just cause, is a malum in se, and the State has the right to penalize it in repression of fraudulent practices. It is unnecessary to consider whether a statute declaring it to be a misdemeanor to fail to pay debts, or to perform contracts generally, will fall within the general police powers of the State, for this statute is not of that character. It is directed toward a single class of citizens, which is arbitrarily singled out, and punished for failure to perform certain duties.

The Supreme Court in Gulf, etc., Railway *v.* Ellis, 165 U. S. 157, 17 Sup. Ct. 257 [Bulletin No. 11, p. 504], says:

"But before a distinction can be made between debtors, and one be punished for a failure to pay his debts, while another is permitted to become in like manner delinquent, without any punishment, there must be some difference in the obligation to pay, some reason why the duty of payment is more imperative in the one instance than in the other. The rule of equality is ignored. * * * Unless the legislature may arbitrarily select one corporation or one class of corporations, one individual or one class of individuals, and visit the penalty upon them which is not imposed upon others guilty of like

delinquency, this statute can not be sustained; but arbitrary selection can never be justified by calling it classification. The equal protection demanded by the fourteenth amendment forbids this."

And elsewhere in the same opinion (page 158 of 165 U. S., page 258 of 17 Sup. Ct.), the court says:

"But a mere statute to compel the payment of indebtedness does not come within the scope of police regulations."

It will be observed that the statute nowhere declares that a laborer violating his contract shall be deemed guilty of a misdemeanor, and punished for such violation. It provides in terms that any laborer, etc., "who shall receive advances either in money or supplies and thereafter willfully and without just cause fail to perform the reasonable service required of him by the terms of the said contract, shall be liable to prosecution for a misdemeanor." Its whole purpose is to coerce the laborer to perform the services required of him by the terms of his contract under penalty of prosecution and imprisonment if he fails to work. It is a legislative judgment enforcing involuntary servitude. It does not imprison the laborer because he refuses to pay the debt or return the advances, but because he does not continue in an involuntary servitude. Under the guise of police power, it compels one person to continue against his will to render personal services to another. If this act and others of cognate character are sustained, the State may by its criminal laws completely nullify and abrogate the main object of the amendment prohibiting slavery and involuntary servitude, and establish a complete system of peonage.

Counsel for the State attempts to distinguish this act from the Alabama statute which the supreme court of that State, in Toney *v.* State, 141 Ala. 120, 37 South. 332 [Bulletin No. 57, p. 684], declared unconstitutional. That act made it a penal offense for a person who had contracted in writing to labor for or serve another for any given time, afterwards, without the consent of the other party, and without sufficient excuse to be adjudged by the court, to leave such other party or abandon such contract or leave or abandon the leased premises or land, and to take employment of a similar nature from another person, and they attempt to draw a distinction between the words "without sufficient excuse to be adjudged by the court," and our statute, which declares it a misdemeanor "willfully and without just cause to fail to perform the service," etc. We can not perceive any essential distinction between the words "without sufficient excuse," and the words "without just cause."

It is also claimed by counsel that the statute of South Carolina is substantially identical with section 4730 of the Code of Alabama of 1896, which Judge Jones, in his opinion on the Peonage Cases (D. C.) 123 Fed. 690 [Bulletin No. 50, p. 175], held to be constitutional. That section is as follows:

"Any person entering into a written contract for the performance of any acts or service with intent to injure or defraud his employer and thereby obtains money or personal property from such employer and with like intent and without just cause, and without refunding the money or paying for such property, refuses to perform such act or service, must on conviction be punished as if he had stolen it."

This Alabama statute, is [it] will be seen, is of a general nature. It applies to all persons who enter into contracts with intent to injure

or defraud, and declares that persons who obtain money with such intent shall be punished as if they had stolen it. The essence of this statute is the obtaining money with fraudulent intent, which in many of the States is declared a criminal offense. The essence of the South Carolina statute is the coercing of personal service in liquidation of a debt, and the cases cited by counsel arising in the State of Georgia, where a statute somewhat similar to that of Alabama was under review, illustrate the distinction. In Lamar *v.* State, 47 S. E. 958, 120 Ga. 312, the court says:

"If the act prescribes a punishment for a simple failure of a contractual duty, it is beyond the power of the general assembly; but, if its purpose is to punish for fraudulent and deceitful practices, it is valid, even though the fraud or deceit may arise from the failure to comply with the contractual engagement. The right of the lawmaking power to declare fraudulent practices a crime does not seem to have been ever seriously questioned. It is reasonably clear that, in enacting the statute now under consideration, the legislative purpose was not to punish one simply for a failure to pay a debt, but was to punish the act of securing the money or property of another with a fraudulent intent not to perform the service, the promise to do which was the consideration for such money or property."

Other cases from the same State are to the same effect. Banks *v.* State, 52 S. E. 74, 124 Ga. 15, 2 L. R. A. (N. S.) 1007, where Lumpkin, Justice, says:

"On the face of it, the purpose of the act is to punish fraudulent practices, not the mere failure to pay a debt. Thus considered, it was constitutional, otherwise it would not be so."

Counsel have with apparent seriousness attempted to maintain that the case of the petitioners here is analogous to that of sailors who had embarked on a voyage; that their continuance in the service of their employer was as essential to the safety of the crop as the service of sailors to the safety of the ship. In other words, that these men who had made a contract for service last year may be arrested and imprisoned in January, when probably there is not seed in the ground, and such arrest be vindicated by the immemorial usage which requires sailors to remain at their posts. It may be proper to say that the section of the Revised Statutes above referred to has been repealed since this opinion was filed, but the lack of analogy between the two classes is too apparent to require discussion.

Another view has been presented with much earnestness, which demands consideration; and that is: While not denying the jurisdiction or the power of the Federal courts to issue habeas corpus to one alleged to be restrained of his liberty by a State court in violation of the Constitution or laws of the United States, it is contended that we are not bound to exercise this power, that it is a matter of discretion, and that the accused should be put to his writ of error from the highest court of the State. It is a question of great delicacy, for the Federal courts should, and generally do, assume that a State legislature will not willfully disregard the Constitution of the United States, and that the State courts will perform an obligatory duty and administer justice in conformity with that Constitution, and, in the absence of special and urgent circumstances, the Federal courts should never allow the writ of habeas corpus to be

converted into a writ of error to review the actions of any of the tribunals which the State has organized for the administration of justice. Upon any question which is fairly debatable, and especially upon questions involving merely the rights of property, this court would be very reluctant to assume jurisdiction, and to declare an act of the legislature unconstitutional; but in a question involving personal liberty, where it has no doubts, and where the circumstances are urgent, it can not refrain, from any consideration of delicacy, from the performance of a plain duty. The petitioners in this case are of the poorest and humblest class of citizens. It would be a mockery of justice to say to them: "You must carry your appeal from this unjust judgment, first, to the circuit court, then to the supreme court of the State, and, if necessary, by writ of error, to the Supreme Court of the United States." Their case has been brought here by a young member of this bar, himself belonging to a race that in the past has suffered through centuries of injustice and oppression, whose heart has been touched by the cry of the lowly, and who, apparently at his own cost, from sheer love of liberty and hatred of wrong, makes this appeal for the liberty to which they are entitled under every sanction of the Constitution and laws of their country. It were better that the granite walls which support this court of justice be crumbled into dust, than that its doors be closed to such appeal.

Another argument is presented not without its force, and not without its appeal to State pride, and to those race instincts, which, doubtless, for some wise purpose, are ineradicable; and that is: That the legislation complained of is a part of a system of local administration in matters of great concern to the industrial life of the State; that under our system of local self-government the power of the State in that sphere is supreme; and that the white people of the State, now charged with the responsibility of its government, being better acquainted with the Negro, his capacities and limitations, can determine better than those outside of it what policy will best subserve his interest and their own. The question presented does not permit of brief treatment, and the problem presented is possibly beyond any human solution. The one sufficient answer to the argument is that the question of human liberty is not one of merely local concern. It rests upon the Constitution of the United States, and no duty rests more imperatively upon its courts than to be watchful of the constitutional rights of its citizens, and to construe liberally all the provisions for the security of persons and the equality of rights, which is the foundation of free government.

If time permitted, it is believed that it could be demonstrated that this legislation is as economically unwise as it is constitutionally illegal. Our State, through public appropriations and private contributions, is now actively and earnestly engaged in promoting immigration. Those efforts will be unavailing so long as our statute books hold legislation tending to create a system of forced labor, which in its essentials is as degrading as that of slavery. Desirable immigrants from foreign lands look for a land of freedom, where labor is respected and protected, and all the allurements of soil and climate will be vain to tempt them to a State where they will be in competition with forced labor. Although in its practicable application this

legislation affects the Negro only, in its terms it is directed against all laborers on farm lands, and constitutes a menace surely calculated to repel the coming of white men. Communities which have attained the highest degree of prosperity have no such statutes, and we may be sure that intending immigrants will have pointed out to them all such discriminating laws.

The lot of the agricultural laborer is at best a hard one. He has been called "the brother to the ox." Unceasing toil, scant remuneration, and dreary isolation have a natural tendency to drive him to more inviting fields. Manufacturing establishments, the railroads, lumber camps, and phosphate mines drain the best laborer from the fields of agriculture, and whatever may be the remedy for existing conditions, certainly the remedy is not to be found in statutes which chain him to the soil and force him to labor, whether he will or not. Human nature revolts at it, and he will escape it if he can. It is by improving his condition, and not still further degrading it, that the remedy may be found.

The statute in question violates the thirteenth and fourteenth amendments of the Constitution of the United States, and laws made in pursuance thereof, and is null and void.

The prisoners are discharged.

DECISIONS UNDER COMMON LAW.

ACCIDENT INSURANCE—LIABILITY OF INSURING COMPANY—DEFENDING FOR ANOTHER—CONSTRUCTION OF POLICY—*Carter v. Ætna Life Insurance Company, Supreme Court of Kansas, 91 Pacific Reporter, page 178.*—C. W. Carter, an employee of the Wichita Bridge Company, was injured in the course of his employment and sued to recover damages. The bridge company had a policy from the Ætna Life Insurance Company whereby the latter agreed to indemnify the former for loss from liability for damages on account of accidental injuries to its employees. The agreement provided that the insurance company should receive notice and conduct the defense in any action brought to recover damages for injuries, the proceeding to be in the name of the assured party.

The policy provided that no action should be brought against the insurance company, except by the company assured, to reimburse it for payments for damages actually paid after a trial of the issue. When Carter brought his action the company was duly notified and took control of the defense. Judgment was against the bridge company, which, however, had become insolvent and was without assets before the judgment was rendered. Carter thereupon brought this action against the insurance company.

Judgment was against him in the district court of Sedgwick County, from which he appealed, the appeal resulting in the affirmation of the judgment rendered in the lower court. The grounds on which this

affirmance was based appear in the following quotation from the opinion of the supreme court, as handed down by Judge Johnston:

The liability of the insurance company under the policy must be measured by its terms. It will be observed that the contract of the insurance company was with the bridge company, and not with the employees. The contract was indemnity against loss from liability, and not insurance against liability. In its general features, it provided for making good the loss suffered by the assured, or rather for reimbursing it to the extent of its loss. Until the assured had met with a loss, there was no occasion to pay indemnity; no reason to reimburse, until something had been paid by the assured. Aside from the fact that in its general characteristics the contract is one of indemnity, it contained the specific provision that no recovery could be had against the insurance company under the policy, unless the action was brought by the bridge company itself to reimburse it for the loss actually sustained and paid in satisfaction of a judgment. This provision leaves no doubt of the intention of the parties, which was that the insurance company was not required to pay anything, because of the policy, until losses had been paid by the assured in satisfaction of a judgment. It is a provision which the parties had a right to insert in their contract. The obligations of the policy did not extend beyond the two contracting parties. The bridge company, on one hand, was procuring indemnity to protect itself from loss, and the insurance company, on the other, was undertaking to make good the losses which the bridge company should be compelled to pay; and, as an assurance that these losses should not be excessive, it reserved the right to go into court and resist the claims presented against the assured. Upon a similar contract, the supreme court of Maine decided that: "It does not inure to the benefit of the injured employee so that he can enforce payment of it in case the employer becomes insolvent and makes an assignment for creditors before he receives his judgment so that the judgment can not be enforced, * * * especially where the contract provides that no action shall lie against the insurer as respects any loss under the policy, unless it shall be brought by the assured himself to reimburse him for loss actually sustained and paid by him in satisfaction of a judgment after trial of the issue."

The fact that the insurance company made the defense for the bridge company against plaintiff's claim for damages did not estop it from denying liability under its contract. The right to defend was specifically given by the contract, and this burden was assumed for the reason that the award to be made in the proceeding might ultimately be the measure of its own liability. To defend the action in behalf of the assured was in no sense an agreement to pay the plaintiff's judgment, and could not have misled the plaintiff.

ACCIDENT INSURANCE—REINSURANCE—BY-LAWS OF REINSURING ASSOCIATION—NOTICE—ACCIDENTAL INJURY—PROOF—*Young v. Railway Mail Association, St. Louis Court of Appeals, 103 Southwestern Reporter, page 557.*—John W. Young was a railway postal clerk and a member of the National Association of Railway Postal Clerks, a cor-

poration doing an accident insurance business. His policy provided for a weekly indemnity in the sum of $15 for a period not exceeding 52 weeks for loss of time resulting from bodily injuries caused or produced "through external, violent accidental means, which shall wholly and continuously disable him from following the occupation of a railway postal clerk." Compliance with the rules of the association was a condition of the policy, as well as compliance "with all future laws that may hereafter be enacted while he shall claim membership under the certificate." One of these rules required immediate notice of injury. The insuring association subsequently transferred its assets and business to the defendant association, a corporation doing a similar business, which had among its by-laws a stipulation that "no benefit or sum whatever shall be payable in any case whatsoever unless the accident alone results in producing visible external marks of injury or violence suffered by the body of the member." (Sec. 6, art. 15.)

It was alleged that while lifting a heavy sack of mail Young suffered a rupture of a blood vessel in his right lung, disabling him from duty for a period of 26 weeks. His claim for reimbursement under his contract of insurance was resisted on the claims that the injury, "if any, was not a bodily injury effected through external, violent and accidental means; that any disability that may have existed did not result wholly from such injury; and that no visible external marks of injury or violence were produced on the body of the member."

The evidence showed that Young had no lung trouble prior to his injury, and that he had entirely recovered at the time of his trial; also that a rupture of the lungs under the circumstances related is a very unusual occurrence, and not to be expected as a result of such exertion. The circuit court of Lawrence County awarded Young judgment in an action to recover under the policy, from which the reinsuring association appealed. The finding of the court of appeals was favorable to Young's claims, the grounds for its judgment being set forth in extracts from the opinion of the court, given by Judge Bland, reproduced below.

The first point considered is the status of the original association and the effect of the transfer of its business to the reinsuring body, the defendant in this action. On this Judge Bland said:

It is shown by the evidence that defendant had no initiatory ceremony, and no ritualistic form of work; that the members were admitted into the association by simply paying the required amount of dues. The defendant association is therefore not a fraternal benefit association, within the provisions of the act of March 8, 1879 (Laws 1879, p. 65), but is a straight-out accident insurance company. And the rights of plaintiff are to be determined by the contract of insurance, which provides, in effect, that plaintiff's right to participate in the benefit fund depends upon his compliance with the constitution

and by-laws of the National Association. There is nothing in the record showing or tending to show that he, at any time, obligated himself to comply with the constitution and by-laws of the defendant association, and there is nothing to show that its constitution and by-laws are the same as were the constitution and by-laws of the National Association at the time plaintiff became a member thereof. But, conceding, for the sake of the argument, that plaintiff was bound to comply with the by-laws of defendant, it is well-settled law in this State that such an agreement does not bind the member to comply with by-laws adopted after the issuance of his certificate of insurance, if the subsequent by-laws in any way impair his contract of insurance, or impose upon him an additional burden. That part of section 6, quoted above, alters the terms of the contract of insurance and impairs the contract by requiring additional proof of injury, to wit, proof of the injury by external marks of violence upon the body of the assured. For the reason that plaintiff was not bound by this provision of the section, if it was error at all to exclude the constitution and by-laws, the error was harmless.

As to the timeliness of the notice the court said:

It is alleged in the answer that the by-laws provide that, in case of injury, plaintiff shall at once notify in writing the assistant treasurer to whom he pays his dues and assessments, and that plaintiff failed to give such notice. Plaintiff's evidence shows he did not realize the seriousness of his injury, or that it would prevent him from following his occupation for a week or more, until about the 1st day of May, 1905, and that, as soon as he realized the extent of his injury, to wit, on May 2, 1905, he gave the required notice. The evidence also shows that proofs of loss were furnished and not objected to, for the reason immediate notice of the injury was not given. On the contrary, the president of the St. Louis branch of the association recommended the payment of the claim, subject to the stipulation that the rupture could occur with the lungs in a perfectly healthy condition. It is therefore apparent that defendant either accepted the notice given as sufficient, or waived the time of giving it. (Winter *v.* Supreme Lodge K. of P., 96 Mo. App. 1, 69 S. W. 662.) Besides, immediate notice means notice within a reasonable time, and we think, under the evidence, the notice was given in a reasonable time. No other provisions of the constitution or by-laws are pleaded as a defense, and, for the reasons above stated, we hold defendant was not prejudiced by the exclusion of the constitution and by-laws of the order, conceding (which we do not) they were admissible in evidence as offered.

The remaining point of interest discussed related to the nature of the injury—whether or not it could be said, on the evidence submitted, that it was occasioned by "external, violent accidental means." The concluding quotation from the opinion of Judge Bland relates to this subject, and is as follows:

It is contended by defendant that "an injury resulting from an intentional and voluntary act, done in the usual and ordinary manner, and in the doing of which nothing unforeseen, unexpected, or unusual occurs, such injury can not be said to have been effected

through external, violent, and accidental means, although the injury itself was unusual and unexpected." [Cases cited.]

There are many judicial definitions of the term "accident." Webster defines it to mean "literally, a befalling; an event that takes place without one's foresight or expectation; an undesigned, sudden, and unexpected event; chance, contingency; often an undesigned and unforeseen occurrence of an afflictive or unfortunate character; a casualty or mishap." The supreme court of Indiana, in Supreme Council Order of Chosen Friends *v.* Garrigus, 104 Ind. 133, 3 N. E. 818, 54 Am. Rep. 298, defined the term, as used in the relief-fund laws of a mutual benefit association, to mean simply "an event that takes place without one's foresight or expectation." Practically the same definition was given in Robinson *v.* U. S. Mut. Acc. Ass'n (C. C.), 68 Fed. 825; in Lovelace *v.* Travelers' Protective Ass'n, 126 Mo. 104, 28 S. W. 877, 30 L. R. A. 209, 47 Am. St. Rep. 638, and in the cases cited below. Accident assurance companies do business mostly with the common people, and the term "accident," as used in these policies, should be construed most strongly against the companies, and be defined according to the ordinary and usual understanding of its signification. "Any unusual and unexpected event attending the performance of a usual and necessary act," whether the act be performed by the party injured or by another, is ordinarily and usually understood to be an event which happened by accident. In the foregoing cases it seems to us a too strict and illiberal definition of the term was adhered to. At any rate, they are not reconcilable with the general trend of the best considered American cases, which hold that accidental means are those which produce effects which are not the natural and probable consequence of the act. "An effect which is not the natural or probable consequence of the means which produced it, an effect which does not ordinarily follow and can not be reasonably anticipated from the use of such means, an effect which the actor did not intend to produce and which he can not be charged with the design of producing, is produced by accidental means." (4 Cooley, Briefs on the Law of Insurance, pp. 3156, 3157.) Joyce says an accident "may be an unusual event attending the performance of a usual and necessary act, or an unusual effect of a known cause." (Joyce on Insurance, sec. 2863.) In the leading case of United States Mutual Accident Ass'n *v.* Barry, 131 U. S. 100, 9 Sup. Ct. 755, 33 L. Ed. 60, the evidence showed that Barry and two other persons jumped from a platform four or five feet high to the ground; they jumping safely and he jumping last. He soon appeared ill, and vomited, and could retain nothing on his stomach, and passed nothing but decomposed blood and mucus and died nine days afterwards. It was contended that no accident was shown. Mr. Justice Blatchford, writing the opinion of the court, in discussing this contention, at page 121 of 131 U. S., page 762 of 9 Sup. Ct. (33 L. Ed. 60), said: "It must be presumed, not only that the deceased intended to alight safely, but thought that he would. The jury were on all the evidence at liberty to say that it was an accident that he did not. The court properly instructed them that the jumping off the platform was the means by which the injury, if any was sustained, was caused; that the question was whether there was anything accidental, unforeseen, involuntary, unexpected in the act of jumping from the time the deceased left the platform

until he alighted on the ground; that the term 'accidental' was used in the policy in its ordinary, popular sense, as meaning 'happening by chance, unexpectedly taking place, not according to the usual course of things; or not as expected;' that, if a result is such as follows from ordinary means, voluntarily employed, in a not unusual or unexpected way, it can not be called a result effected by accidental means; but that if, in the act which precedes the injury, something unforeseen, unexpected, unusual occurs which produces the injury, then the injury has resulted through accidental means."

In North American Life Ins. Co. *v.* Burroughs, 69 Pa. 43, 8 Am. Rep. 212, it was held that exertion causing unforeseen and unusual effects, such as the dilatation of the heart, was accidental. In Horsfall *v.* Pacific Mutual Life Ins. Co., 32 Wash. 132, 72 Pac. 1028, 63 L. R. A. 425, 98 Am. St. Rep. 846, plaintiff's husband was called upon to assist in carrying a bar of iron into the shop where he worked. The bar weighed from 350 to 400 pounds. Horsfall picked up one end of the bar and another man picked up the other end. Horsfall, by reason of his position, was at some disadvantage in picking up his end of the bar. The bar was carried to the anvil in the shop by the two men. When it was laid down, Horsfall complained of being sick, and turned pale, perspired profusely, grew cold and had to quit work. He went home, called a physician, who pronounced the trouble a violent dilation of the heart causing hypertrophy, from which Horsfall died. It was urged that the evidence failed to show the deceased met his death by accident of any kind. The court held that the effects of the lifting did not take place according to the usual course of things, and approvingly quoted the following definition of injury or death by accident from 2 May, Insurance (4th Ed.) sec. 514, to wit: " 'Death from any unexpected event, which happens as by chance, or which does not take place according to the usual course of things.' "

The evidence, especially that introduced by the defendant, shows that the rupture of a blood vessel in plaintiff's right lung was not a natural or probable effect of the lift plaintiff was making at the time he received the injury, and there is no evidence that plaintiff had a hidden disease of the lungs, such as tuberculosis. On the contrary, the fact that the hemorrhages ceased and his lungs healed, according to the expert evidence, is proof that his lungs were sound. However, to fall within the terms of the policy, the injury must have been caused not only by accidental means, but also by external violent means. Cooley says: "It is only necessary that the cause of the injury or death should be external to the person, though it acts internally." And this text is supported by a number of the authorities cited, supra. On the evidence and on the great weight of authority in this country, we think the plaintiff made a clear prima facie case, and that the question as to whether or not his injury was caused by "external, violent, and accidental means" was for the jury.

ACCIDENT INSURANCE—RIGHTS OF BENEFICIARIES—DISABILITY—*Switchmen's Union of North America v. Colehouse, Supreme Court of Illinois, 81 Northeastern Reporter, page 696.*—Colehouse had secured a judgment against the organization above named on a policy of insurance issued by it, from which the union appealed. The facts

in the case appear in the opinion, which affirmed the judgment of the court below, and which is, in the main, reproduced herewith. Judge Farmer speaking for the court said:

Appellant is an organization of switchmen, having for one of its objects an insurance for the protection and relief of its members in case of their becoming totally disabled as defined in the laws and rules of the order, or of their families in case of death of the member. Appellee became a member of appellant, and on his application a beneficiary certificate or policy was issued to him, whereby appellant agreed, in consideration of the payment by appellee of all dues and assessments agreed to be paid for said insurance, in accordance with the laws, rules, and regulations of the organization, that it would pay to him, his conservator or assigns, in case of total disability as defined by the laws, rules, and regulations of the society, or to his mother in case of his death, $1,200. Appellee, while in good standing in the organization, and while switching cars for the Chicago, Lake Shore & Eastern Railway Company, received such an injury to one of his eyes that it became necessary to remove it. Section 16 of the laws of the appellant reads as follows: "Any member suffering, by means of physical separation, the loss of four fingers of one hand at or above the second joint, or of three fingers and thumb of one hand at or above the second joint, or the loss of one foot at or above the instep, or who shall become totally blind or totally deaf, shall be considered totally and permanently disabled and shall receive the full amount of his beneficiary certificate; likewise any physical disability that may permanently disqualify a member from performing the duties of a switchman, provided that such permanent disability occurred after he became a member of this department or was not caused improperly or through negligence." Appellee claimed that he was permanently disqualified by his injury from performing the duties of a switchman, and was therefore entitled to the $1,200. The proof supported his contention that his injury disqualified him from the performance of the duties of a switchman. Appellant denied liability, and this suit was brought by appellee to recover said sum. Appellant pleaded the general issue and two special pleas. Demurrers were sustained to both special pleas. A jury was waived, and the cause tried by the court, resulting in a judgment for appellee for the $1,200 and interest thereon, amounting in all to $1,345. The appellate court has affirmed that judgment, and a further appeal is prosecuted to this court.

It is first insisted by appellant that the first clause in section 16 of its laws, which provides that a member who becomes totally blind shall be considered totally disabled and entitled to receive the full amount of his beneficiary certificate, does not justify a recovery, for the reason that appellee is not totally blind; and that the second clause, viz, "likewise any physical disability that may permanently disqualify a member from performing the duties of a switchman," applies only to disabilities not included in the first clause; that it has no application to loss of sight or any of the other disabilities mentioned in the first clause, but refers only to such injuries and disabilities as internal injuries, fractures, etc., which are not mentioned and included in said first clause. In other words, the construction contended for by appellant is that, to entitle a member of the organization to recover on account of a disqualification from the performance

of the duties of a switchman from loss of sight, such loss of sight must be total; that, even though the loss of one eye might disqualify the member from the performance of the duties of a switchman, there could be no recovery. It is apparent, from section 16 of the laws of appellant, the object of the indemnity is for the relief of members who become totally disabled from the performance of their duties. Some things that appellant specially declares shall constitute a total disability are loss, by physical separation, of four fingers of one hand, or three fingers and thumb of one hand at or above the second joint, the loss of one foot at or above the instep, and total blindness or total deafness. That these were not the only disabilities that were intended to be total, within the meaning of said section, is plain from the second clause, which gives a member the right to the full benefit named in the certificate if permanently disqualified from performing the duties of switchman by "any physical disability." The laws and rules of the appellant are to be construed liberally in favor of appellee, so as not to defeat the object and purpose of the insurance or indemnity. In Forest City Ins. Co. *v.* Hardesty, 182 Ill. 39, 55 N. E. 139, it was held that, where the contract of insurance is so framed as to leave room for construction, that construction should be adopted which will not impair the indemnity, and, if a clause in a policy is susceptible of two interpretations, courts will adopt the one which is most favorable to the assured, in order to indemnify him for the loss sustained. That case was cited and quoted from with approval in Terwilliger *v.* National Masonic Accident Ass'n, 197 Ill. 9, 63 N. E. 1034. The ordinary meaning and common understanding to be deduced from the language of said section 16, which forms a part of the contract of insurance, is that, as to certain injuries which are declared to constitute total disability, no proof of that fact would be required, but that, if total disability is claimed to result from any other than the specified cases, it would be the subject of proof. The testimony offered by appellee tended to show that, since the loss of his eye, he attempted to perform the duties of switchman, but had been unable to do so by reason of his injury, and that he had been discharged on that account, and had subsequently been refused employment, because of his injury, by another railroad company. While loss of one eye would not totally disable him from the performance of certain duties, yet the only proof offered in this case on that subject was to the effect that it did disqualify him from performing the duties of a switchman, and we think such disability was within the meaning of the contract of insurance.

It is contended the court erred in sustaining a demurrer to one of appellant's special pleas. This plea alleged that section 19 of the rules and regulations of appellant provided that suits on beneficiary certificates should be barred, unless begun within six months after final rejection of the claim by the grand lodge. The plea alleged that appellee's claim was finally rejected by the grand lodge prior to March, 1903, and, suit not having been commenced until November 17, 1903, the claim was therefore barred. There is no averment in the plea that appellee had notice of the rejection of his claim by the grand lodge more than six months before commencing suit. The rejection of the claim being a matter peculiarly within the knowledge of appellant, the limitation did not begin to run until appellee had notice of such rejection.

EMPLOYERS' LIABILITY—RAILROAD COMPANIES—NEGLIGENCE—COMPARATIVE NEGLIGENCE—RULES—VIOLATIONS—*Dobyns v. Yazoo and Mississippi Valley Railroad Company, Supreme Court of Louisiana, 43 Southern Reporter, page 934.*—Malia D. Dobyns had secured a judgment against the railroad company for the death of her husband, from which it appealed. Mr. Dobyns was employed at the time of his death as a freight conductor on the company's lines and was killed while engaged in the discharge of his duties. He was at a terminal station at night, carrying a lighted lantern, and was run down by a yard engine which was running backward without either a lookout or proper signal lights. The decedent was 32 years of age, with average earnings of about $1,200 a year. He left a widow, but no children. Other facts appear in the opinion.

The opinion of the court, which affirmed the judgment of the court below, reducing the amount of damages, however, was delivered by Judge Monroe, and is given in full.

The decedent, in accepting employment as a freight conductor, assumed the risks incidental to that service, including those necessarily involved in the discharge of his duties whilst within the limits of the company's yard, and they were, at best, serious enough. He did not assume the wholly unnecessary risk of the company's disregarding, and permitting its officers and representatives habitually to disregard, the rules established by it, and deemed necessary for the safety of those whose functions were to be discharged in such yards. When he came to his death he was acting in the performance of his duty, and he had the right to assume that he would be protected to the extent that the rules of the company furnished to him for his information and guidance could afford protection. He was seeking, or waiting, for the train that he was to take out, and the darkness of the night rendered all the more visible to those whose duty it was to keep a lookout the light which he carried. The train, consisting of 17 or 18 freight cars, was moving along on the siding, making the noise which a train of that kind usually makes, and whilst as its conductor, whose duty it was to see that it started in proper condition, and to board and take charge of it, his attention was fixed upon its movements, he was run over and killed by a locomotive which was being operated in violation, not only of the rules of the company, but of the plainest dictates of common prudence. According to the rules of the company, both the engineer and fireman of a locomotive engaged in switching, whether by day or night, whether going forward or backward, should be on the lookout, the one from the one side, the other from the other side; but, in this instance, whilst the engine was backing in the pitch dark, the fireman abandoned his lookout, stopped ringing the bell, and occupied himself with shoveling coal into the furnace. According to the rules of the company, a yard engine should display a headlight to the front and rear, or, if not provided with a headlight, should display two white lights in the rear. In this instance, engine 56, operating within yard limits, and as a yard engine, displayed neither headlight nor white lights upon the end which was in front, as it moved, but displayed a red light, or marker,

which it was prohibited from displaying, and which, according to the rules of the company, should be used to indicate the rear end of a locomotive which is either at rest, or is moving away, and the use of which, in such position upon an approaching locomotive or tender, could not but be misleading. The argument that the nonobservance of the rules in question was habitual seems to us rather to aggravate than to improve the situation, since, not only do the rules appear to us to be wise, but the fact of their adoption by the company indicates that the company so considered them; and, that being the case, and it being a question of life and death, there can be little excuse for the company's toleration of their nonobservance, and still less for its own failure to supply the means for their observance. No one, we believe, can read the record in this case without feeling assured that the negligence of the decedent was but slight in comparison to that of the defendant, and that it was the latter which was the proximate cause of the accident. The night being dark, the engineer and fireman of No. 56, by keeping a reasonable lookout, ought to have seen the decedent with his lighted lantern, even though their position, with the tender in front of them, was not the most favorable. But, as the tender was in front, and as the locomotive was plunging into the darkness, there should have been a lookout in front of the tender; and that there was not was because the defendant had failed to provide an engine with a board upon which such lookout could stand. Upon the other hand, if the engine had been provided with a headlight in front (that is to say upon the rear end of the tender), or with two white lights, the attention of the decedent would most likely have been attracted by the rays piercing the darkness about him, even though no warning were given by the ringing of the bell or the sounding of whistle. But why should the fireman, under such conditions, have desisted from ringing the bell? As the case is presented, then, there were three things which the decedent had the right to assume would be done, and the doing of either of which would, in all probability, have saved his life, notwithstanding his imprudence in being on the track, to wit, the keeping of a proper lookout, the ringing of the bell, and the carrying of the proper lights; and that neither of these three was done was partly the fault of the engineer and fireman, but, in the main, the fault of the company, since it was the company that failed to furnish an engine suitable for yard work and to furnish the proper lights, which were all the more necessary by reason of the unsuitableness of the engine that was used, and it was the company that tolerated the habitual nonobservance of rules established by itself as necessary for the protection of the lives of its employees. In assessing the damages the distress and mental suffering inflicted upon the plaintiff by the deprivation of her husband's companionship are, under our law, elements to be considered, and, as her pecuniary loss resulting from the failure of her husband's support is to be made good upon the hypothesis that, though engaged in a hazardous occupation, he would have furnished her with such support during the unexpired term of a life, the average duration of which is to be assumed, the question of the amount that should be allowed is impossible of determination upon any scientific basis. The most that the courts can do in such case is to exercise a sound judicial discretion and award such amount as, all the circumstances considered, may seem just to both litigants and not unduly oppressive to either. We are of opinion that $25,000

is excessive in this case, and that the amount of the award should be reduced to $10,000.

It is therefore ordered, adjudged, and decreed that the judgment appealed from be amended by reducing the amount thereby awarded to $10,000, and, as amended. affirmed the plaintiff to pay the costs of the appeal.

INJUNCTION—VIOLATION—PICKETING—INTIMIDATION—*Ideal Manufacturing Company v. Ludwig, Supreme Court of Michigan, 112 Northwestern Reporter, page 723.*—Martin Ludwig was president of a "Metal Polishers' Union," which had declared a strike against the company named, and had been found guilty of violating an injunction restraining him and others (among other things) "from congregating, gathering, assembling, lingering, or loitering about or in the neighborhood of the premises upon which the Ideal Manufacturing Company is engaged in carrying on its business, or at other places, with intent to unlawfully interfere with the employees of the said Ideal Manufacturing Company, or with the prosecution of their work, or to unlawfully interfere with or intimidate or threaten the employees of the Ideal Manufacturing Company with intent to cause them to leave the employment of said company, or to interfere with or obstruct in any unlawful manner. the business and trade of said Ideal Manufacturing Company."

The case was before tne supreme court on a writ of certiorari to review the judgment of contempt, which was affirmed. The opinion was delivered by Judge Grant, who spoke in part as follows:

"Ludwig and other members of the Metal Polishers' Union followed an employee of the complainant as he was being escorted by a policeman through a crowd. Ludwig walked in front of this employee, and said to him, "I see you are still doing your dirty work." When the officer asked him who he meant, he pointed to the employee, and says, "I mean that." Further statement of the facts is unimportant. It is manifest that the attitude of the crowd, composed of union men, was hostile, threatening, and intended to intimidate. The claim of Ludwig and his associates that they were seeking only persuasion is the boldest subterfuge. The circuit judges of the court below who heard the testimony very properly said: "It was a perversion of terms to claim, or to believe, that to approach a man surrounded by an unfriendly and menacing crowd and ask him to do or to refrain from doing something is lawful or peaceable persuasion, or is other than an act of intimidation as is specifically and in terms enjoined in this cause. No proofs are necessary to establish the fact that the natural and intended result of such conduct would be intimidation. * * * His whole conduct, as sworn to by himself, constitutes, in our opinion, a deliberate disregard of the terms of the injunction with which he had been served prior to the time in question. It is in our opinion idle for the respondent to say that his purpose in joining the crowd surrounding Bert Brown was to peace-

ably solicit Brown's membership in the union. Neither the time nor the circumstances were such as would make such an appeal possible. The claim of the respondent in this respect is, in our opinion, a mere colorable pretext to justify his conduct." The language we used in Beck *v.* Railway Teamsters' Protective Union [118 Mich. 497, 77 N. W. 13; Bulletin No. 22, p. 457], is applicable here: "The law abhors subterfuges, it lays aside the covering, and looks to the actual facts beneath. In the language of Chief Justice Shaw: 'The law is not to be hoodwinked by colorable pretenses. It looks at truth and reality, through whatever disguise it may assume.' (Com. *v.* Hunt, 4 Metc. (Mass.) 111, 129, 39 Am. Dec. 346.) Threats in language are not the only threats recognized by the law. Covert and unspoken threats may be just as effective as spoken threats. * * * To picket complainant's premises in order to intercept their teamsters or persons going there to trade is unlawful. It itself is an act of intimidation, and an unwarrantable interference with the right of free trade. The highways and public streets must be free to all for the purposes of trade, commerce, and labor. The law protects the buyer, the seller, the merchant, the manufacturer, and the laborer in the right to walk the streets unmolested. It is no respecter of persons; and it makes no difference, in effect, whether the picketing is done 10 or 1,000 feet away. It will not do to say that these pickets are thrown out for the purpose of peaceable argument and persuasion. They are intended to intimidate and coerce. As applied to cases of this character, the lexicographers thus define the word 'picket;' 'A body of men belonging to a trades union sent to watch and annoy men working in a shop not belonging to the union, or against which a strike is in progress.' (Cent. Dict.; Webst. Dict.) The word originally had no such meaning. This definition is the result of what has been done under it, and the common application that has been made of it."

The court sentenced the respondent Ludwig to serve a period of 10 days in the Wayne County jail. The evidence fully justified the finding of the circuit judges.

The judgment is affirmed.

RAILROAD HOSPITAL—LIABILITY OF COMPANIES FOR NEGLIGENCE OF HOSPITAL EMPLOYEES—*Illinois Central Railroad Company v. Buchanan, Court of Appeals of Kentucky, 103 Southwestern Reporter, page 272.*—This was an action by one Buchanan, an employee of the Illinois Central Railroad Company, to recover damages from the company for negligence of employees of a railroad hospital. This hospital, at Paducah, Ky., was known as the Illinois Central Railroad Hospital, to which are sent as a part of its system of policy all sick, disabled, or injured employees on the lines of its road in the vicinity of Paducah. It is a separate corporation from the railroad company, but its directors and officers are taken from the chief officers of that company, and the physicians, surgeons, and nurses of the hospital are selected by these directors and officers. It does not appear that any profit or gain is derived by the railroad com-

pany from the operation of the hospital, which is supported by monthly contributions exacted from the employees of the company. Buchanan, who was properly admitted to the hospital, claimed that while there he was treated in an unskillful and grossly negligent manner, causing him great suffering and expense. The court below gave judgment of damages in Buchanan's favor. The contention of the railroad company was that it was not responsible for the acts or conduct of any of the persons in charge of the hospital, as it was an independent corporation, and it appealed the case. At the first hearing before the court of appeals the judgment of the lower court was reversed on the ground that the hospital was a distinct and separate corporation in which the railroad company had no financial interest and so could not be liable for the conduct of directors, physicians, or attendants at the hospital. On the rehearing, however, a different opinion was reached and the court ruled that there was proper ground for action by the plaintiff. The grounds of this conclusion are set forth in the following extract from the opinion of the court, which was given by Judge Carroll:

Although it may be true that the railroad company derives no personal or pecuniary benefit or gain from the conduct and operation of the hospital, yet it manages and controls it, and exacts from its employees sufficient funds to defray at least in part the expenses incurred in its operation. The employees thus contributing have the right to demand admission when injured in the service of the railroad company; but they have no voice in the selection of the physicians, surgeons, or other attendants in charge of the hospital. All of these persons are appointed by the railroad company; and, although the railroad company is not liable in damages for the negligence and carelessness or unskillfulness of any of its surgeons, physicians, or attendants in charge in their treatment and care of the employees received into the hospital, yet it is obliged to exercise reasonable care in the selection of the persons who have charge of the patients; and, if it fails to select skillful and competent surgeons, physicians, and attendants, it may be required to respond in damages to any employee who has been injured by such incompetent or unskilled physicians, surgeons, or attendants. When the railroad company employs competent and skillful people, the measure of its duty to its employees is discharged. If these persons should be guilty of malpractice or other acts of negligence, the party injured by reason thereof must look to the individual causing the injury, and not to the railroad company. This view of the duty and obligation of the railroad company is fully supported by the opinion in Louisville and Nashville Railroad Company *v.* Foard, 104 Ky. 456, 47 S. W. 342, where an employee sought to recover damages from the railroad company for the negligent manner in which the physicians furnished by it treated his wounds. The court said: "The appellant was in no way responsible for the acts of the physician, or for his neglect of appellee, unless it be shown that appellant was careless and negligent in his selection, and that he was incompetent. In the employment by a railroad company of its sur-

geons to attend to persons injured by its trains, the relation of master and servant, principal and agent, does not exist. And, if the railroad company is careful and selects suitable surgeons, it is not responsible for their neglect or malpractice. There is no pretense that appellant was careless or negligent in the selection of this physician and surgeon, or that he was in any way incompetent, and the court should not have permitted appellee to prove the misconduct, neglect or maltreatment of the physician." In Union Pacific Railroad Company *v.* Artist, 60 Fed. 365, 9 C. C. A. 14, 23 L. R. A. 581, the same rule is announced in a strong opinion by Judge Sanborn, who said: "It would be a hard rule, indeed, a rule calculated to repress the charitable instincts of men, that would compel those who have freely furnished such accommodations and services to pay for the negligence or mistakes of physicians or attendants that they had selected with reasonable care. No such rule has ever prevailed in this country. The rule is that those who furnish hospital accommodations and medical attendants, not for the purpose of making profit thereby, but out of charity, or in the course of the administrations of a charitable enterprise, are not liable for the malpractice of the physicians or the negligence of the attendants they employ; but are responsible only for their own want of ordinary care in selecting them." The doctrine announced in these cases is in harmony with the current of authority upon the subject, and seems to us to be sound in principle. As the selection or appointment of persons in charge of the hospital is lodged entirely in the railroad company, they should be charged with the duty of exercising reasonable care in their selection, and held responsible for a failure in this respect. But, when they have in the exercise of reasonable care employed competent and skillful physicians and attendants, it would seriously interfere with the establishment of institutions of this character to hold them responsible for every specific act of malpractice or negligence that they might be guilty of. Of course, this view is based on the assumption that the railroad company does not derive any pecuniary profit or gain from the conduct of the institution. If such were the case, a different standard of responsibility would be established.

In addition to the instructions given on the former trial, the court on another trial of the case should instruct the jury in substance that, if they believe from the evidence that the railroad company or its agents selected or appointed the physicians, surgeons, or attendants at the hospital, then it was its duty to exercise reasonable care in selecting and appointing persons competent and skillful in the profession or business for which they were employed, and, if it failed to exercise reasonable care and skill in this respect, and Buchanan was injured by reason thereof, they should find for him.

Either party should be allowed to file such amended pleadings as may be necessary to fairly present this new issue.

The former opinion of this court is withdrawn, and the judgment of the lower court is reversed, with directions for a new trial in conformity with this opinion.

LAWS OF VARIOUS STATES RELATING TO LABOR, ENACTED SINCE JANUARY 1, 1904.

[The Tenth Special Report of this Bureau contains all laws of the various States and Territories and of the United States relating to labor, in force January 1, 1904. Later enactments are reproduced in successive issues of the Bulletin, beginning with Bulletin No. 57, the issue of March, 1905. In the cumulative index, page 1062 et seq., are indexed all laws found in the Tenth Special Report, together with those enacted since January 1, 1904, and published in Bulletin Nos. 57 to 73, inclusive.]

ALABAMA.

ACTS OF 1907.

ACT No. 69.—*Accidents on railroads.*

SECTION 22. Every person, corporation, company or association operating a railroad shall give notice to the [railroad] commission of every accident happening on any portion of its line in this State, which is attended with death or maiming or other serious injury to the person of any one, within five days thereafter, giving facts and circumstances of such accident, which any one or more of the commissioners may investigate, and the result of such injury, with such details as they may deem necessary, shall be entered upon the record of the proceedings of the commission.

Approved, February 23, 1907.

ACT No. 278.—*Inspection of factories—Cotton mills.*

(See pp. 817 and 818, above.)

ACT No. 341.—*Hiring out children to support parents in idleness.*

(See p. 657, above.)

ACT No. 693.—*Contracts of employment with intent to defraud.*

Section 4730 of the Criminal Code of 1896 is hereby amended so as to read as follows:

Section 4730. Any person, who with intent to injure or defraud his employer, enters into a contract in writing for the performance of any act of service, and thereby obtains money or other personal property from such employer, and with like intent, and without just cause, and without refunding such money, or paying for such property, refuses or fails to perform such act or service, must on conviction be punished by a fine in double the damage suffered by the injured party, but not more than $300, one-half of said fine to go to the county and one-half to the party injured. * * * And the refusal or failure of any person, who enters into such contract, to perform such act or service or to cultivate such land, or refund such money, or pay for such property without just cause shall be prima facie evidence of the intent to injure his employer or landlord or to defraud him. * * *

Approved, Aug. 15, 1907.

ACT No. 776.—*Employment of children in factories.*

(See pp. 657–659, above.)

ARKANSAS.

ACTS OF 1907.

ACT No. 69.—*Liability of employers for injuries to employees.*

SECTION 1. All railroad companies operating within this State, whether incorporated or not, and all corporations of every kind and character, and every company whether incorporated or not, engaged in the mining of coal, who may employ agents, servants

or employees, such agents, servants or employees being in the exercise of due care, shall be liable to respond in damages for injuries or death sustained by any such agent, employee or servant, resulting from the careless omission of duty or negligence of such employer, or which may result from the carelessness, omission of duty or negligence of any other agent, servant or employee of the said employer, in the same manner and to the same extent as if the carelessness, omission of duty or negligence causing the injury or death was that of the employer.

Approved March 8, 1907.

ACT No. 70.—*Time to vote to be allowed employees.*

SECTION 2. All mills, mines, shops and factories in the State of Arkansas shall suspend work on the day of each general election, or change the working force of employees, not later than four o'clock p. m. in order that their employees may exercise the right of franchise.

Approved March 8, 1907.

ACT No. 116.—*Railroads—Crews for freight trains.*

SECTION 1. No railroad company or officer of court owning or operating any line or lines of railroad in this State, and engaged in the transportation of freight over its line or lines shall equip any of its said freight trains with a crew consisting of less than an engineer, a fireman, a conductor and three brakemen, regardless of any modern equipment of automatic couplers and air brakes, except as hereinafter provided.

SEC. 2. This act shall not apply to any railroad company or officer of court whose line or lines are less than fifty miles in length, nor to any railroad in this State, regardless of the length of the said lines, where said freight train so operated shall consist of less than twenty-five cars, it being the purpose of this act to require all railroads in this State whose line or lines are over fifty miles in length engaged in hauling a freight train consisting of twenty-five cars or more, to equip the same with a crew consisting of not less than an engineer, a fireman, a conductor and three brakemen, but nothing in this act shall be construed so as to prevent any railroad company or officer of court from adding to or increasing its crew beyond the number set out in this act.

SEC. 3. Any railroad company or officer of court violating any of the provisions of this act shall be fined for each offense not less than one hundred dollars nor more than five hundred dollars, and each freight train so illegally run shall constitute a separate offense: *Provided*, The penalties of this act shall not apply during strikes of men in train service of lines involved.

Approved March 28, 1907.

ACT No. 271.—*Repayment of advances made by employers.*

SECTION 1. Any person who enters into any contract in writing, duly acknowledged or attested by two witnesses for the performance on his part of any act, covenant or service to be performed within fifteen months from the date of execution of such contract, and who, thereafter, by reason of such contractual obligation, or in reliance thereon, or on account thereof, obtains money or other property from any person, and who, thereafter, with an intent to injure or defraud such person, willfully fails or refuses either to perform such act, covenant or service, or in lieu of such performance, to refund such money and pay for such other property as may have been so advanced upon the faith of the due performance of such contractual obligation, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed one hundred dollars and not less than twenty-five dollars, or by imprisonment in the county jail not to exceed six months and not less than thirty days, or by both such fine and imprisonment, at the discretion of the court.

SEC. 2. The failure or refusal of any such person, either to perform such act, covenant or service so contracted to be performed, or in lieu of such performance, to refund all money, and pay for all other property so advanced upon the faith of the due performance of such contractual obligation, shall be prima facie evidence of a guilty intent to injure or defraud, within the meaning of this act.

SEC. 3. If upon any trial under the provisions of this act, the defendant can show that the person who is alleged to have advanced any money or property upon the faith of the due performance of any such contractual obligation, has, upon demand, failed or refused to render to the defendant a just and true account, showing all credits to which the defendant is entitled, of all money and other property so advanced by such person, it shall be a complete defense to any prosecution under

this act: *Provided*, That the provisions of this bill shall not apply to the following counties: Dallas, Grant, Crawford, Conway, Howard, Independence, Franklin, Faulkner, Pike, Ouachita, Polk, Jackson, Newton, Hot Spring, Union, Garland, Fulton, Hempstead, Sharp, Clark, Mississippi, Baxter, Stone, Montgomery, Boone, Johnson, Sebastian, Logan, Calhoun, Lee, Clay, Madison, Columbia, Prairie, Cleburne, White, Lawrence, Searcy, Cleveland, Washington, Scott, Marion, Carroll, Nevada, Van Buren, Arkansas, Cross, Saline, Yell, St. Francis, Benton, Izard, Randolph, Lincoln, and Sevier.

Approved May 6, 1907.

ACT No. 282.—*Hours of labor of employees on railroads.*

SECTION 1. It shall be unlawful for any person, corporation, association, their agents or officials operating a railroad within this State to permit any telegraph or telephone operator who is engaged in the handling of trains by the use of the telegraph or telephone, reporting trains to each other and to the train dispatcher registering the same, and operating one or more train order signals, telegraph or telephone levermen who manipulate lever machines in railroad yards, or on the main tracks out of [on] the line, connecting side tracks or switches or train dispatchers in its service whose duties pertain to the movement of cars, engines or trains on its railroad by the use of the telegraph or telephone in dispatching or reporting trains, or receiving or transmitting train orders or messages directing the movement of trains as interpreted in this section, to be on duty for more than eight (8) hours in any twenty-four (24) consecutive hours.

SEC. 2. Any person, corporation, association, their agents or officials that shall violate section 1 of this act shall pay a fine of five hundred dollars for each violation of this act.

Approved May 8, 1907.

ACT No. 315.—*Payment of wages in scrip.*

SECTION 1. It shall be unlawful for any corporation, company, firm or person, engaged in any trade or business in this State, either directly or indirectly, to issue, sell, give or deliver to any person employed by such corporation, company, firm or person, in payment of wages, whether such wages are earned or not, any scrip, token, draft, check or other evidence of indebtedness payable or redeemable otherwise than in lawful money, at the next regular pay day of such corporation, company, firm or person. And if such script [scrip], token, draft, check, or other evidence of indebtedness be so issued, sold, given or delivered to such laborer, it shall be construed, taken and held in all courts and places to be a promise to pay the sum specified therein, in lawful money by the corporation, company, firm or person issuing, selling, giving or delivering the same to the person named therein or the holder thereof. And the corporation, company, firm or person so issuing, selling, giving or delivering the same shall, moreover, be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars ($25) and not more than one hundred dollars ($100). And at the discretion of the court trying the same, the officer or agent of the corporation, company, firm or person issuing, selling, giving or delivering the same may be imprisoned not less than ten, nor more than thirty days. And in any suit by any holder of any such scrip, token, draft, check or other evidence of indebtedness, or in any prosecution under the provisions of this section, it shall not be required of the plaintiff in such suit or the State in such prosecution to prove that such scrip, token, draft, check or other evidence of indebtedness was sold, given, issued or delivered by the defendant in such suit or prosecution, to any laborer or employee in payment of wages of such laborer or employee.

SEC. 2. If any corporation, company, firm or person shall coerce or compel or attempt to coerce or compel any employee in its, their, or his employment to purchase goods or supplies in payment of wages, whether such wages are earned or not, from any corporation, company, firm, or person, such first-named corporation, company, firm, or person shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in the preceding section.

SEC. 3. If any such corporation, company, firm or person shall directly or indirectly sell to any such employee in payment of wages, whether earned or not, goods and supplies at prices higher than a reasonable or current market value thereof in cash, such corporation, company, firm or person shall be liable to such employee, in a civil action, in double the amount of the charges made and paid for such goods and supplies in excess of the reasonable or current value in cash thereof: *Provided*, That the provisions of this act do not apply to coal mines, when less than twenty (20) men are employed under the ground.

Approved May 14, 1907.

ACT NO. 402.—*Railroads—Headlights on locomotives.*

SECTION 1. Any company, corporation or officer of court, owning or operating a railroad over fifty miles in length, in whole or in part within this State, shall be required to equip, maintain and use upon each and every locomotive being operated in road service in the State in the nighttime a headlight of power and brilliancy of 1,500 candlepower.

SEC. 2. Any company, corporation or officer of court owning or operating a railroad over fifty miles in length, in whole or in part within this State, violating the provisions of this act, shall be liable on conviction to a penalty of a fine of not less than three hundred dollars ($300) nor more than five hundred dollars ($500) for each separate offense, which shall be recovered in a civil action in the name of the State.

Approved May 28, 1907.

ACT NO. 456.—*Employment of children—General provisions.*

(See pp. 660 and 661, above.)

Approved May 29, 1907.

COLORADO.

ACTS OF 1907.

CHAPTER 109.—*Arbitration of labor disputes.*

SECTION 1. An act entitled "An act creating a State and local boards of arbitration, and providing for the adjustment of differences arising between employers and employees and defining the powers and duties thereof, and making an appropriation therefor," approved March 31, 1897, is hereby repealed.

Approved April 17, 1907.

CHAPTER 117.—*Civil service—Labor service.*

SECTION 9. The rule[s] [formulated by the State civil service commission] shall not be inconsistent with law, may be of general or limited application and, among other things, shall provide, as nearly as the conditions of good administration will warrant, as follows:

First, For the classification of the offices, positions and employments to be filled.

* * * * * * *

Ninth, For the registration and appointment of laborers, skilled and unskilled, according to priority of application and rating. The rating need not relate to more than capacity to labor, habits of industry, sobriety and honesty.

SEC. 12. Every applicant for examination, except unskilled laborers, shall pay the State treasurer the sum of one dollar, to be placed to the credit of the commission, in a special fund for the purpose of defraying so far as possible, the expenses to be incurred hereunder, * * *

CHAPTER 120.—*Mine regulations—Inspectors.*

SECTION 1. The inspector of coal mines and his deputies shall devote the whole of their time to the duties of their office. It shall be the duty of the inspector or his deputies to enter into and thoroughly examine all coal mines in the State in which more than 10 men are employed, at least once each quarter, to see that all the provisions of this act are observed and strictly carried out, and the inspector or his deputy or deputies, or both, may enter, inspect and examine any coal mine in the State, and the works and machinery belonging thereto, at all reasonable times, by night or day, but so as to not unnecessarily obstruct or impede the workings of the mine; and the owner or any agent of such mine is hereby required to furnish the means necessary for such entry and inspection.

The inspector shall make to the governor of the State a biennial report, which shall show the number of coal mines, and development on the same during each year, and the persons employed in and about each mine, and the extent to which the law is obeyed, the progress made in the improvement sought to be secured by the passage of this act; the number of accidents and deaths resulting from injuries received in coal mines, as also statistics showing output of coal and development made annually

at each mine, with all facts concerning the production and transportation of coal to market, and other facts of public interest coming under the provisions of this act; which record shall be filed in the inspector's office. The secretary of state is hereby authorized to have printed two thousand copies of said biennial report at the expense of the State, for distributation [distribution] to members of the legislature, mine owners, superintendents and others interested in coal mines; said report shall be printed on or before December 31st preceding the biennial session of the legislature. And the inspector is hereby authorized to employ three deputy inspectors whose salaries shall not exceed the sum of two thousand dollars each per year; and to employ a clerk whose salary shall not exceed the sum of twelve hundred dollars in any one year, which said salaries shall be paid out of any moneys appropriated for that purpose on certificate of said State inspector of coal mines showing the services rendered and the amount thereof; and upon presentation of said certificate to the State auditor by the person entitled thereto, he shall issue his warrants on the State treasurer for the amount thereof, to be paid out of any appropriation as aforesaid; the said inspector shall be allowed the actual and necessary traveling expenses actually paid out by him or his deputies, in the active discharge of their duties.

Approved April 13, 1907.

CHAPTER 121.—*Mine regulations—Inspectors.*

SECTION 1. Section 14, chapter XVI of the General Statutes of Colorado for 1883, being general section 189 thereof, entitled "Coal Mines," is hereby amended to read as follows:

SEC. 14. Within four months of the date of the passage of this act the judges of the district court shall appoint four reputable coal miners of known experience and practice at the time, and the governor shall appoint one mining engineer of like repute and experience and practice at the time, who shall constitute a board of five examiners, whose duty it shall be to inquire into the character and qualifications of candidates for the office of inspector of mines, under the provisions of this act. The examiners first appointed in pursuance of this section shall meet in the city of Denver on the 20th day of July next, and after being duly organized, having taken and subscribed before any officer duly authorized to administer the same the following oath, namely: We, the undersigned, do solemnly swear (or affirm) that we will perform the duties of examiners of applicants for appointment as inspector of coal mines, to the best of our abilities, and that in recommending or rejecting said applicants, we will be governed by the evidence of qualifications to fill the position under the law creating the same, and not by any consideration of political or personal favors; that we will certify all whom we may find qualified according to the true intent and meaning of the act, and none others, to the best of our judgment—shall proceed to the examination of those who may present themselves as candidates for said office; and shall certify to the governor the names of all such applicants as any four of the examiners shall find competent to fill the office, under the provisions of this act, which shall be filed in the office of the secretary of state. The qualifications of candidiates [candidates] for said office of inspector of mines to be inquired into and certified by said examiners shall be as follows, namely: They shall be citizens of the United States, of temperate habits, of good repute as men of personal integrity, shall have obtained [attained] the age of thirty years, and shall have had at least one year's experience in the workings of the coal mines of Colorado, and five years of practical experience in the workings of coal mines in the United States, and have a practical knowledge of mining engineering and of the different systems of working and ventilating coal mines, and of the nature and properties of the noxious and poisonous gases of mines, particularly fire-damp. The board of examiners shall receive six dollars per day, and the same mileage as is allowed to members of the legislature, to be paid out of the State treasury upon the filing of the certificates of the examining board in the office of the secretary of state, as herein provided. The governor shall, from the names so certified, appoint the person possessing the best qualifications to be inspector of coal mines, whose commission shall be for the term expiring January 1, 1887, or until his successor is appointed and confirmed by the senate. As often as vacancies in said office of inspector of mines shall occur by death, resignation or malfeasance in office, which shall be determined in the same manner as in the case of any other officer of the State government, the governor shall fill the same by appointment for the unexpired term, from the names on file in the office of the secretary of state, as hereinbefore mentioned as having passed examination. Every four years from January 1st, A. D. 1883, the governor shall appoint one mining engineer as before, and shall notify the judges of four of the judicial districts of the State containing coal mines, selecting them in such order as to allow each district an equal share of such appointments, each to appoint one miner, and the five so appointed shall constitute a new board of examiners, whose

duties, term of service and compensation shall be the same as those provided for by this section, and from the names that may be certified by them the governor shall appoint the inspector of mines provided for in this act; nothing in this act shall be construed to prevent the reappointment of any inspector of coal mines. The inspector of coal mines shall receive for his services an anuual salary of twenty-five hundred dollars, and ten cents per mile for all distances traveled in the discharge of his official duties, to be paid monthly by the State treasurer, and said inspector shall reside in the State and shall keep an office at the capitol or other building in which the offices of the State are located. Each inspector is hereby authorized to procure such instruments and chemical tests and stationery from time to time, as may be necessary for the proper discharge of his duties under this act, at the expense of the State, which shall be paid by the State treasurer upon accounts duly certified by him and audited by the proper department of the State. All instruments, plans, books, memoranda, notes, et cetera, pertaining to the office shall be the property of the State, and shall be delivered to their successors in office.

Approved April 9, 1907.

CHAPTER 129.—*Free public employment offices.*

SECTION 1. Free employment offices are hereby created as follows: One in each city of not less than twenty-five thousand and two in each city containing a population of two hundred thousand or over, for the purpose of receiving applications of persons seeking employment, and applications of persons seeking to employ labor. Such offices shall be designated and known as Colorado Free Employment Offices.

SEC. 2. Within sixty days after this act shall have been in force, the deputy commissioner of labor statistics shall recommend, and the commissioner ex-officio shall appoint a superintendent and assistant superintendent who shall act as clerk for each of the offices created by section 1 of this act, who shall devote their entire time to the duties of their respective offices. The tenure of such appointment shall be two years, unless sooner removed for cause. The salary of each superintendent shall be twelve hundred ($1,200) dollars per annum; the salary of such assistant superintendent shall be one thousand ($1,000) dollars per annum, together with the proper amounts for defraying the necessary costs of equipping and maintaining the respective offices.

SEC. 3. The superintendent of each such free employment office shall, within sixty days after appointment, open an office in such locality as shall have been agreed upon between such superintendent and deputy commissioner of the bureau of labor statistics as being most appropriate for the purpose intended, such office to be provided with a sufficient number of rooms and apartments to enable him to provide, and he shall so provide, a separate room or apartment of [for] the use of women registering for situations or help. Upon the outside of each office in position and manner to secure the fullest public attention shall be placed a sign which shall read in the English language "Colorado Free Employment Office," and the same shall appear either upon the outside windows or upon signs in such other language as the location of each such office shall render advisable. The superintendent of each such free employment office shall receive and record in books kept for that purpose names of all persons applying for employment or help, designating opposite the names and addresses of each applicant the character of employment or help desired. Separate registers for applicants for employment shall be kept showing the age, sex, nativity, trade or occupation of each applicant, the cause and duration of nonemployment, whether married or single, the number of dependent children, together with such other facts as may be required by the bureau of labor statistics to be used by said bureau:

Provided, That no special registers shall be open to public inspection at any time, and that [such] statistical and sociological data as the bureau of labor shall require shall be held in confidence by said bureau, and so published as not to reveal the identity of any one:

And provided, further, That any applicant who shall decline to furnish answers to the questions contained in special registers shall not thereby forfeit any rights to any employment the office might secure.

SEC. 4. Each superintendent shall report on Thursday of each week to the deputy commissioner of the said bureau of labor statistics the number of applications for positions and for help received during the preceding week and the number of positions secured; also those unfilled applications remaining on the books at the beginning of the week. It shall also show the number and character of the positions secured during the preceding week. Upon receipt of these lists and not later than Saturday of each week the deputy commissioner of said bureau of labor statistics shall cause to be printed a sheet showing separately and in combination, the lists received from all such free employment offices.

SEC. 5. It shall be the duty of each such superintendent of a free employment office to immediately put himself in communication with the principal manufacturers, merchants, and other employers of labor, and to use all diligence in securing the cooperation of the said employers of labor for the purposes and objects of said employment offices. To this end it shall be competent for such superintendents to advertise in the columns of newspapers or other medium for such situations as he has applicants to fill, and he may advertise in a general way for the cooperation of large contractors and employers in such trade journals or special publications as reach such employers, whether such trade or special journals are published within the State of Colorado or not.

SEC. 6. It shall be the duty of each such superintendent to make report to the said bureau of labor statistics annually, not later than December 1 of each year, concerning the work of his office for the year, together with a statement of the expense of the same, including the charges of an interpreter when necessary, and such report shall be published by the said bureau of labor statistics with its biennial report. Each such superintendent shall also perform such other duties in the collection of statistics of labor as the deputy commissioner of the bureau of labor statistics may require.

SEC. 7. No fee or compensation shall be charged or received, directly or indirectly, from persons applying for employment or help through said free employment offices and any superintendent, assistant superintendent or clerk, who shall accept, directly or indirectly, any fee or compensation from any applicant, or from his or her representative, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five ($25) dollars nor more than fifty ($50) dollars, or imprisoned in the county jail not more than thirty days, or by both such fine and imprisonment at the discretion of the court.

SEC. 8. The term "applicant for employment," as used in this act, shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any ligitimate [legitimate] enterprise; and nothing in this act shall be construed to limit the meaning of the term "work" to manual occupation, but it shall include professional services and all other ligitimate [legitimate] services.

SEC. 9. All money or moneys received from fees and fines by the said deputy commissioner of labor shall constitute a fund for the purposes of enforcing the provisions of this act, and the said commissioner shall, at the end of each fiscal year, make an account of said fund and pay into the State treasury whatever balance shall remain after paying the necessary disbursements for the purpose of enforcing the provisions of this act.

SEC. 10. All printing, blanks, blank books, stationery, postage, and such other supplies as may be necessary for the proper conduct of the business of the offices herein created, shall be furnished by the secretary of state upon requisition for the same by the superintendents of the several offices.

SEC. 11. All expenses attendant upon the conducting of the several offices herein named shall be paid by this State: *Provided*, Such expense shall not exceed the sum of two thousand ($2,000) dollars in any one year; and the State auditor is hereby authorized to draw his warrant on the State treasurer for the same.

Approved April 5, 1907.

CHAPTER 208.—*Accidents on railroads.*

SECTION 27. Every common carrier shall, whenever an accident attended by loss of human life shall occur within this State on its line of road or on its ground or in its yards, give immediate notice thereof to the [State railroad] commission.

In the event of any such accident, the commission, if it shall deem the public interests to require it, shall cause a suitable investigation to be made forthwith, and shall give reasonable notice thereof to the persons and common carriers primarily interested.

The expenses of such investigation shall be certified by a majority of the commission and shall be audited and paid by the State in the same manner as other expenses are audited and paid.

The commission shall be empowered to make and enforce such rules as, in their judgment, will tend to prevent accidents in the operation of the railroads of this State.

Approved March 22, 1907.

CHAPTER 240.—*Assignments of wages—Recording, etc.*

SECTION 1. From and after the passage of this act, no assignment of wages not already earned at the time of such assignment, and no assignment of any other sum to become due to the assignor shall be valid as against any creditor of the assignor who has not had actual notice of the said assignment at the time the same shall be made, unless

the same be recorded with the recorder of the county wherein such wages are to be earned or such sums are to become due, within five days from date thereof.

SEC. 2. No assignment of wages not already earned at the time of such assignment and no assignment of any sum to become due the assignor after the date of such assignment shall be valid, unless, if the assignor be a married man or woman and residing with a wife or husband, such wife or husband shall join in and shall sign such assignment.

SEC. 3. When any person or persons, association or corporation shall hereafter have been served with garnishee summons in any action, and shall have answered such garnishee summons, and when such answer shall have been traversed, and a trial of the issues thereof shall be had, and such garnishee as aforesaid, shall set forth in its answer, or by way of evidence any assignment of wages, or other sums to be earned or to become due after the date of such assignment, such assignment shall be held invalid and of no effect, as against the party in whose favor such process was issued, unless the garnishee shall show in addition that actual notice of such assignment was served upon the party in whose favor such garnishee process was issued at the date thereof, or that a copy of such assignment was duly recorded, as provided by section 1 of this act.

SEC. 4. The several county clerks and recorders in their respective counties shall receive the sum of fifty cents (.50) for recording each of such assignments.

Approved April 17, 1907.

CHAPTER 241.—*Assignment of wages—Wage brokers.*

SECTION 1. From and after the passage of this act no person, company, corporation, or association, shall establish or conduct the business of wage broker within the State of Colorado, unless such person, company, corporation or association shall have first procured a license from the proper authorities as hereinafter provided, and shall have executed a bond in such sum as said authorities may require for the faithful carrying out of the provisions of this act, and of the ordinances of any town or city in which such business may be carried on.

SEC. 2. The board of county commissioners of any county in this State, or, in case said business be carried on in any incorporated city or town, the city council or board of trustees of said city or town, may in their discretion from time to time grant licenses to any person or persons, company, corporation, or association to conduct or carry on the business of wage broker upon payment of such sum therefor and upon such terms and conditions as the said board of county commissioners or city council or board of trustees shall by resolution or ordinance require.

SEC. 3. Any person, company, corporation or association loaning money directly or indirectly to any employee or wage-earner upon the security of or in consideration of any assignment of the wages or salary of such employee or wage-earner, shall be defined and held to be a wage broker and subject to the provisions of this act.

SEC. 4. No assignment of his or her wages or salary by any employee or wage-earner to any wage broker or any other person for his benefit shall be valid or enforceable, nor shall any employer or debtor recognize or honor such assignment for any purpose whatever, unless it be for a fixed and definite part of the wages or salary earned or to be earned during a period not exceeding thirty days immediately following the date of the assignment. Any assignment which shall be postdated or dated on any other date than that of its actual execution shall be void and of no effect for any purpose whatever.

SEC. 5. No wage broker shall ask, demand or receive, either as compensation or interest, or in any other manner directly or indirectly, any compensation or interest for the use of money advanced or loaned by him to any employee or wage-earner in excess of two per cent per month, and said compensation or rate of interest shall be computed upon the amount actually advanced to and received by the borrower and shall include all commissions or compensation whatsoever to the wage broker or any other person for making or procuring said loan.

SEC. 6. No assignment of his wages or salary by a married man, who shall be the head of a family residing in this State, shall be valid or enforceable without the consent of his wife, evidenced by her signature to said assignment executed and acknowledged before a notary public or other officer empowered to take acknowledgements [acknowledgments] of conveyances, and no wage broker or person connected with him directly or indirectly shall be authorized to take any such acknowledgment.

SEC. 7. No wage broker shall make any loan to any minor, nor shall any assignment of wages or salary by any minor be valid and enforceable. Nothing in this act shall be construed as applying to brokers already doing business in cities of more than 25,000 inhabitants.

SEC. 8. No assignment of wages or salary shall be valid or enforceable unless notice in writing of the same accompanied by a copy of the assignment, shall be given to the employer or debtor within ten days from the date of its execution.

SEC. 9. Every purchase of a wage broker of an assignment of the wages or salary of any employee or wage-earner shall be held and considered to be a loan, in the sum and of the amount, actually paid to and received by such employee or wage-earner and shall be subject to all the provisions of this act.

SEC. 10. Any person, company, corporation or association, or the officers, members, agents or employees thereof, violating any or either of the provisions of this act shall be deemed guilty of a misdemeanor; and, upon conviction, shall be liable to a fine in the sum of not less than ten dollars ($10) nor more than one hundred dollars ($100) for each offense, or to imprisonment in the county jail for a period not to exceed ninety days, or both.

SEC. 11. Any note, bill or other evidence of indebtedness and any assignment of wages or salary given to or received by any wage broker or any other person in violation of any of the provisions of this act shall be null and void and of no effect; and, upon conviction, any and all moneys advanced or loaned by said wage broker in violation of any of the provisions of this act and all interest thereon shall be forfeited.

Approved April 3, 1907.

CONNECTICUT.

ACTS OF 1907.

CHAPTER 113.—*Labor organizations—Registration of insignia.*

SECTION 1. The insignia, flag, ribbon, badge, rosette, seal, button, or emblem of any society, association, labor union, or incorporated club may be filed and registered in the office of the secretary of the State, in the manner and subject to the provisions of section 4909 of the General Statutes so far as the same are applicable, and the secretary of the State may make regulations and prescribe forms for such registration.

SEC. 2. Whoever, not being a member of a society, association, labor union, or incorporated club, for the purpose of representing that he is a member thereof, willfully wears, displays, or uses the insignia, flag, ribbon, badge, rosette, seal, button, or emblem thereof, if the same has been registered in the office of the secretary of the State as provided by section one of this act, shall be fined not more than twenty dollars, or imprisoned not more than thirty days, or both.

Approved, June 4, 1907.

CHAPTER 151.—*Trade-marks of trade unions.*

SECTION 1. Section 4907 of the General Statutes is hereby amended to read as follows: Whenever any person, or any association or union of workingmen, has heretofore adopted or used, or shall hereafter adopt or use, any label, trade-mark, term, design, device, or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise, or other product of labor as having been made, manufactured, produced, prepared, packed, worked upon, or put on sale by such person or association or union of workingmen, or by a member or members of such association or union, and shall have recorded such label, trade-mark, term, design, device, or form of advertisement as hereinafter provided in section three of this act, it shall be unlawful for any person or corporation to counterfeit or imitate such label, trade-mark, term, design, device, or form of advertisement, or to use, sell, offer for sale, or in any way utter or circulate, any counterfeit or imitation of such label, trade-mark, term, design, device, or form of advertisement. Every person willfully and knowingly violating any provision of this section shall be fined not less than one hundred dollars nor more than two hundred dollars, or imprisoned not less than three months nor more than one year, or both.

SEC. 2. Section 4908 of the General Statutes is hereby repealed.

SEC. 3. Section 4909 of the General Statutes is hereby amended to read as follows: Every such person, association, or union that has adopted or shall adopt a label, trade-mark, term, design, device, or form of advertisement, as aforesaid, may file the same for record in the office of the secretary of the State by leaving two copies, counterparts, or facsimiles thereof, with the secretary of the State. Said secretary shall deliver to such person, association, or union so filing the same a duly attested certificate of the record of the same. Such certificate of record, or a duly certified copy thereof, shall, in all suits and prosecutions under sections 4907, 4910, and 4911 as amended, and section 4912, be sufficient proof of the adoption of such label, trade-mark, term, design,

device, or form of advertisement, and of the right of said person, association, or union to adopt the same. No label shall be recorded that would probably be mistaken for a label already of record.

SEC. 4. All records or certificates of the record of labels, trade-marks, terms, designs, devices, or forms of advertisement which may, prior to the passage of this act, have been made or delivered in compliance with, or in attempted compliance with, sections 4907 and 4909 of the General Statutes, are hereby validated and shall have the same force and effect as if made or delivered under and pursuant to the provisions of this act.

SEC. 5. Section 4910 of the General Statutes is hereby amended to read as follows: Every such person, association, or union adopting a label, trade-mark, term, design, device, or form of advertisement, as aforesaid, and having duly recorded the same as hereinbefore provided, may enjoin the manufacture, use, display, or sale of any counterfeit or imitation thereof, or the sale of goods bearing any counterfeit or imitation thereof, either in its identical form, or in such near resemblance thereto as is calculated or liable to deceive; and all courts having jurisdiction thereof shall grant injunctions to restrain such manufacture, use, display, or sale, and shall award the complainant in such suit, such damages, resulting from such wrongful manufacture, use, display, or sale, as may by said court be deemed just and reasonable, and shall require the defendants to pay to such person, association, or union the profits derived from such wrongful manufacture, use, display, or sale; and such court shall also order that all such counterfeits or imitations in the possession or under the control of any defendant in such case be delivered to an officer of the court or to the complainant to be destroyed.

SEC. 6. Section 4911 of the General Statutes is hereby amended to read as follows: Every person who shall use or display the genuine label, trade-mark, term, design, device, or form of advertisement of any such person, association, or union, which shall have been duly recorded as hereinbefore provided, in any manner not authorized by such person, union, or association, knowing that such use or display is not so authorized, shall be fined not less than one hundred nor more than two hundred dollars, or imprisoned not less than three months nor more than one year, or both. In all cases where such association or union is not incorporated, suits under sections 4907 and 4910 as amended, section 4912, and this section may be commenced and prosecuted by any officer or member of such association or union, in behalf of and for the use of such association or union.

Approved, June 21, 1907.

CHAPTER 152.—*Protection of employees on buildings.*

SECTION 1. Every person employing another to perform labor of any kind in erecting, repairing, altering, or painting any building or other structure who shall provide or furnish, or cause to be provided or furnished, for the performance of such labor, any swinging scaffolding or staging to be used on the exterior of such building or other structure at a greater height than thirty-five feet from the ground, shall, except as hereinafter provided, equip such scaffolding or staging with a guard rail of some suitable material attached to such scaffolding or staging at a height not less than thirty-four inches above the flooring thereof, such rail to be properly secured and braced, and to extend along the entire length of the outside of such scaffolding or staging: *Provided*, That such requirement shall not apply to any scaffolding or staging exclusively used for the purpose of riveting, or to any scaffolding or staging less than four feet in length.

SEC. 2. Any contractor or owner, when constructing, in any city, a building, the plans and specifications for which require the floors to be arched between the beams thereof, or where the floors or filling in between the floors are of fireproof material or brickwork, shall complete such flooring or filling in, as the building progresses, to within not more than three tiers of beams below that on which the ironwork is being erected, or shall cover with planks not less than two inches in thickness such portion of each alternate tier of floor beams as may be reasonably necessary to give protection to those employed in the erection of such building. If the plans and specifications of such building do not require filling in between the beams of floors with brick or other fireproof material, all contractors for carpenter work in the course of construction shall lay the under flooring thereof on each story, as the building progresses, to within not more than two stories below that to which such building has been erected. Except in such buildings as are not to be lathed and plastered a temporary flooring at least eight feet wide, and protected on the outer edge by a plank at least eight inches high shall be laid, as the building progresses, around the inner side of the outer walls thereof on the floor below that to which such building has been erected. If the floor beams are of iron or steel, the contractors for the iron and steel work of

any building in the course of construction, or the owners of such building, shall cover with planks not less than two inches in thickness that portion of the tier of iron or steel beams on which the structural iron or steel work is being erected. The flooring, planking, or filling in, as required by this section, shall not include such spaces as may reasonably be required for the proper construction of any such building, and for the raising and lowering of material to be used in such construction, or such spaces as may be designated by the plans or specifications for stairways and elevator shafts. In buildings more than three stories in height, all such spaces other than those used for elevating or hoisting purposes shall be protected, on each story, by a guard rail at a height of three and one-half feet, and by a board at least eight inches high close to the floor. All spaces in such buildings used for elevating or hoisting purposes shall be protected at the ends thereof, if such ends are more than three feet in width, by some suitable barrier not less than five feet high, and the sides of such spaces on any story upon which the delivery of material has ceased shall be provided with a movable wooden bar at least two inches by four inches in section and of sufficient length to extend across such opening at a height of three and one-half feet above the floor. When such bar has been provided, neither the contractor nor the owner shall be held responsible for any injury or damage resulting from the failure on the part of workmen, employees, or others to use said protection.

SEC. 3. The chief officer of any city charged with the enforcement of the building laws of such city is hereby charged with the enforcement of the provisions of this act.

SEC. 4. Any person violating any of the provisions of this act shall be fined not more than fifty dollars, or imprisoned not more than thirty days, or both.

Approved, June 21, 1907.

CHAPTER 189.—*Sunday labor—Observance of Saturday.*

SECTION 1. No person who conscientiously believes that the seventh day of the week ought to be observed as the Sabbath, and actually refrains from secular business and labor on that day, or who conscientiously believes that the Sabbath begins at sundown on Friday night and ends at sundown on Saturday night, and actually refrains from secular business and labor during said period, and who has filed written notice of such belief with the prosecuting attorney of the court having jurisdiction, shall be liable to prosecution for performing secular business and labor on Sunday, provided he disturbs no other person who is attending public worship.

SEC. 2. Section 1372 of the General Statutes is hereby repealed.

Approved, June 29, 1907.

CHAPTER 241.—*Factory inspectors—Female deputy.*

SECTION 1. The factory inspector shall, in addition to the deputy factory inspectors provided for by chapter 97 of the Public Acts of 1903, appoint, from time to time, on the recommendation of an advisory commission of three women appointed by the governor for that purpose as specified in section five of this act, a female deputy factory inspector, who shall hold office until her successor is appointed and qualified, unless removed by said factory inspector for cause. Said female deputy factory inspector shall receive the compensation for services and expenses provided by section three of chapter 97 of the Public Acts of 1903 as amended by this act.

SEC. 2. Said female deputy factory inspector shall inquire into the enforcement of the laws regulating the employment of women and girls in any manufacturing, mechanical, or mercantile establishment, investigate the conditions relating to the health and welfare of women and girls employed in such establishments, and report thereon to the factory inspector: *Provided, however*, That she shall have no power or authority over and no duty concerning any machinery, appliances, or fixtures except sanitary fixtures.

SEC. 3. Said female deputy factory inspector shall have the same power and authority as the factory inspector, except as to machinery, appliances, and fixtures, subject to his approval, and shall serve under the direction of said factory inspector in all respects as other deputy inspectors.

SEC. 4. Section three of chapter 97 of the Public Acts of 1903 is hereby amended * * * so that said section as amended shall read as follows: The inspector may from time to time appoint deputies to assist him in the performance of his duties. Such deputies shall have the same power and authority as the inspector, subject to his approval. Each of said deputies shall receive a compensation of five dollars per day for actual services, and his or her necessary expenses incident to the performance of the duties of his or her office. The total amount expended under this section shall not exceed in any one year nine thousand dollars, which shall be paid upon proper vouchers by the deputies, signed by the inspector.

SEC. 5. The governor shall, on or before the first day of August, 1907, appoint three women, no two of whom shall be residents of the same town, who shall constitute an advisory commission for the appointment of a female deputy factory inspector and shall serve for two, four, and six years respectively; and biennially thereafter the governor shall appoint one member of said commission to serve for the term of six years. It shall be the duty of said commission to recommend to the factory inspector some woman for appointment as female deputy factory inspector, such recommendation to be made on or before October 1, 1907, and thereafter whenever a vacancy shall occur in said office.

Approved, July 30, 1907.

CHAPTER 242.—*Hours of labor of railroad telegraph operators and train dispatchers.*

SECTION 1. It shall be unlawful for any person, persons, corporation, or receiver operating a line of railroad wholly or partly within this State, or any officer, agent, or representative of such corporation or receiver, to require or permit any telegraph or telephone operator, who spaces trains by the use of the telegraph or telephone, under what is known and termed the "block system," defined as follows: Reporting trains to another office or officers, or to a train dispatcher operating one or more trains under signals, and telegraph or telephone levermen who manipulate interlocking machines in railroad yards or on main tracks out on the lines connecting side tracks or switches, or train dispatchers in its service whose duties substantially, as hereinbefore set forth, pertain to the movement of cars, engines, or trains on its railroad by the use of the telegraph or telephone in dispatching or reporting trains or receiving or transmitting train orders, as interpreted in this section, to be on duty for more than eight hours in a day of twenty-four hours, and it is hereby declared that eight hours shall constitute a day of employment for all laborers or employees engaged in the kind of labor aforesaid: *Provided*, That at stations that are kept open only during the daytime, where only one telegraph or telephone operator is employed, such operator may work twelve hours in a day of twenty-four hours, and that the hours of service of telegraph or telephone operators, as interpreted in this section, shall be consecutive, including one meal hour: *And, provided, further*, That in case of sickness, death, wrecks, or washouts, telegraph or telephone operators may be held on duty not to exceed sixteen hours in a day of twenty-four hours.

SEC. 2. Any person or persons, company, or corporation, who shall violate any of the provisions of the preceding section shall, on conviction, be fined not more than one thousand dollars.

SEC. 3. This act shall take effect January 1, 1908.

Approved, July 27, 1907.

CHAPTER 251.—*Hours of labor of women and children.*

(See p. 671, above.)

FLORIDA.

ACTS OF 1907.

CHAPTER 5678.—*Contracts of employment—Repayment of advances.*

SECTION 1. From and after the passage of this act any person in the State of Florida, who shall contract with another to perform for him services of any kind with intent to procure money, or other thing of value thereby, and not to perform the service contracted for, or whoever, after having so contracted, shall obtain or procure from the hirer money or other thing of value, with intent not to perform such service, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail not more than one year, or by both fine and imprisonment.

SEC. 2. Satisfactory proof of the contract, the procuring thereon of money or other thing of value, the failure to perform the services so contracted for, or failure to return the money so advanced with interest thereon at the time said labor or service was to be performed, without good and sufficient cause, shall be deemed prima facie evidence of the intent referred to in the preceding section.

Became a law without the approval of the governor.

CHAPTER 5686.—*Employment of children.—General provisions.*

(See pp. 678 and 679, above.)

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[This index covers the Tenth Special Report of the Commissioner of Labor which is a compilation of the labor laws, both Federal and State, in force at the close of the year 1903; it also covers labor laws subsequently enacted and published in Bulletins Nos. 57 to 73 of this office, as well as the compilations published in Bulletin No. 73. Many of the laws contained in the Tenth Special Report are followed by brief notes on the decisions of courts relating to them. Similar decisions reproduced in the Bulletin since the publication of the Tenth Special Report are indexed under the appropriate headings, and are indicated by the letter "D" in parenthesis following the name of the State.]

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